

A1581
Feb. 15, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, FEBRUARY 15, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

MAR 6 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SUSANNE WILSON, CHAIR
ALBERT ARAMBURU
EDWARD R. CAMPBELL
SHIRLEY J. CAMPBELL
MARTHA CLEVINGER

PAUL L. COOPER
CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
JIM GONZALEZ

JIM HARBERSON
ROBERTA H. HUGHAN
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

HARRY G. BRITT

ANNA G. ESHOO

SUNNE McPEAK

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PHD

CATHERINE KOSHLAND, PHD

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS F. BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
VICKI DVORAK
ENFORCEMENT SPECIALIST
JAMES R. GUTHRIE
ENFORCEMENT SERVICES MANAGER
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
STEVE HILL
TOXICS MANAGER

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN F. POWELL
LEGAL COUNSEL
JOHN A. SWANSON
DIRECTOR OF PERMIT SERVICES
MARY VERONDA
PERSONNEL MANAGER

CAROL BRADLEY
CLERK OF THE BOARDS

Chairperson Wilson called the meeting to order at 9:38 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced John Holtzclaw, PhD and Mr. Jack C. Oppenheimer.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF FEBRUARY 1, 1989

DIVISION MONTHLY REPORTS

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending November 30 and December 31, 1988, and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period January 1-31, 1989.

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(2/1/89)
Marcia Leach
Kentfield, CA

urging the Board to reduce toxic pollution from oil refineries. (2/3/89)

(2/1/89)
Senator Jim Nielsen
Fourth District
California State Senate

indicating receipt of letter relating to toll-free access for high occupancy vehicles on some Bay Area bridges. (2/3/89)

(3/3/89)
Gail Fairfield, Chairman
Special District Committee
Alameda County Grand Jury
Oakland, California

setting forth questions regarding filing procedures and compliance with the Conflict of Interest Code of the Fair Political Practices Commission. (3/6/89)

(2/8/89)
Nancy Pelosi
Member of Congress
House of Representatives
Washington, D.C.

noting receipt of, and expressing appreciation and support for, District communication regarding restriction of emissions from off-shore oil development facilities. (2/10/89)

(2/9/89)
Dominic Cortese
Assemblyman, 24th District
Assembly California Legislature

supporting Board of Directors Resolution No. 1844 urging CalTrans to implement toll-free access for high-occupancy vehicles on certain Bay Area Bridges. (2/14/89)

Richard Cole
Vice-President
ESA Planning and Environmental Services
San Francisco, California

recommending the BAAQMD coordinate its 10-day notification requirement regarding Regulation 8, Rule 40 with the San Francisco Health and Fire Department. (2/14/89)

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, dated February 8, 1989 was presented.

REFUNDS

The APCO's report entitled, Refunds, dated February 8, 1989 was presented.

**SET PUBLIC HEARING FOR APRIL 5, 1989 TO CONSIDER
AMENDMENT TO REGULATION 10-NEW PLANT PERFORMANCE
AND EMISSION REQUIREMENTS**

The APCO's report entitled, Setting of Public Hearing - Conflict of Interest Notice, dated February 6, 1989 was presented.

APPOINTMENT OF TEMPORARY ALTERNATE MEMBER FOR HEARING BOARD

The APCO's report entitled, Appointment of Temporary Alternate Member of the Hearing Board, dated February 7, 1989 was presented.

Adopted **Resolution No. 1847**, *In the Matter of Appointing a Temporary Alternate Member of the Hearing Board*.

Director S. Campbell moved the adoption of the above Consent Calendar items; seconded by Director Hughan; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
CORICA, DIRIDON, HARBERSON, HUGHAN, NICOLOPULOS, OGAWA,
WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, DAVIS, ESHOO, GONZALEZ, McPEAK

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 3
REGARDING LATE FEES FOR AIR TOXICS "HOT SPOTS" INFORMATION**

Chairperson Wilson opened the public hearing at 9:40 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Hill presented the APCO's report entitled, Adoption of Amended Regulation 3, Fees, dated February 6, 1989, stating the proposed amendments would allow assessment of late fees and civil penalties from affected facilities which did not pay their AB 2588 mandated fees within 60 days of receipt of their invoices; and would allow the District to recover the additional expenses incurred by the facilities' late or nonpayment of required fees.

Mr. Hill reviewed the background of the Air Toxics "Hot Spots" Information and Assessment Act; and concluded his presentation stating, the proposed revision was administrative and did not require a workshop; and that staff had set the late fees and civil penalty amounts to match the penalty amounts set for late or nonpayment of Permit to Operate renewal fees.

Chairperson Wilson called for public testimony, and there was none.

Director Diridon moved the public hearing be closed and the resolution adopted; seconded by Director Nicolopoulos; carried on roll call.

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
CORICA, DIRIDON, HARBERSON, HUGHAN, NICOLOPULOS, OGAWA,
WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, DAVIS, ESHOO, GONZALEZ, McPEAK.

Adopted **Resolution No. 1848**, *In the Matter of Amending Regulation 3 Relating to Fees.*

**PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS
TO REGULATION 8, RULE 40 REGARDING AERATION OF CONTAMINATED
SOIL AND REMOVAL OF UNDERGROUND STORAGE TANKS
(CONTINUED FROM JANUARY 4, 1989)**

Chairperson Wilson continued the public hearing at 9:42 a.m.; stating the hearing had been opened on January 4, 1989.

Ms. Dvorak presented the APCO's report entitled, Public Hearing to Consider Adoption of Proposed Amendments to Regulation 8, Rule 40: Aeration of Contaminated Soil and Removal of Underground Storage Tanks, dated February 6, 1989, stating the regulation/rule was adopted in July 1986; that the purpose was to limit the emission of organic compounds from soil that had been contaminated by organic or petroleum chemical leaks or spills; and to describe acceptable procedures for soil aeration and the control of emissions from underground storage tanks intended for removal.

Ms. Dvorak stated the proposed amendments would require that persons responsible for any aspect of an underground storage tank removal or soil aeration to submit written notification to the APCO at least five days prior to the commencement of any activity, in addition to the existing 24-hour telephone notification; that the written notification would include the names of responsible parties, locations, and start-up dates, as well as procedures to be used to meet the standards of the rule.

Ms. Dvorak reviewed the provisions for tank removal delays, emergency tank removal/replacement or soil excavations, and the proposed definition to clarify what type operations are considered emergency removals, replacements, or excavations; as well as the exemption to the five-day prior written notification requirement for pipeline leak repairs where no more than five cubic yards of soil is generated.

Chairperson Wilson called for public testimony, and there was none.

Director Ogawa moved the public hearing be closed; seconded by Director Diridon; and Director Aramburu moved adoption of the resolution; seconded by Director S. Campbell; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
CORICA, DIRIDON, HARBERSON, HUGHAN, NICOLOPULOS, OGAWA,
WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, DAVIS, ESHOO, GONZALEZ, McPEAK

Adopted **Resolution No. 1849**, *In the Matter of Adopting Amended Rule 40 of Regulation 8 Relating to Aeration of Contaminated Soil and Removal of Underground Storage Tanks.*

AFFIRMATIVE ACTION REPORT

Ms. Veronda presented the APCO's report entitled, Affirmative Action Report, dated February 8, 1989, which summarized the District's 1988 affirmative action activities, including an analysis of the District's workforce, goals, and objectives for the following year. Ms. Veronda continued stating that though the District's workforce had decreased by approximately 9% overall in the past 10 years, significant gains had been made for minorities and females in all categories; and hiring opportunities within all categories were expected to continue at the same level in 1989-90.

Using slides and overheads, Ms. Veronda stated District studies revealed there were specific areas of underutilization for minority groups and females in the management, professional, and technical categories; that the classifications of Analytical Instruments Specialist II and Air Quality Inspector II were underutilized with respect to females, hispanics and blacks; that the District had executed an action-oriented program to address those areas of underutilization; and the District would continue its long-term goal to reach parity with the workforce population through aggressive recruitment of minorities and females.

There was Board discussion regarding the 1987-88 slide statistics regarding terminations and new hires for ethnic minorities and females; and Chairperson Wilson pointed out there was not a category denoting white males; and directed that future Affirmative Action reports add the category of white males to new hires, promotions and terminations.

Directors Aramburu and Clevenger complimented staff on the report; and Director Aramburu moved the report be accepted; seconded by Director White; carried.

Director Davis arrived at 9:56 a.m.

REPORT ON INTERNATIONAL CONFERENCE ON MUNICIPAL WASTE COMBUSTION AND APPROVAL FOR DISTRICT ATTENDANCE

Mr. Feldstein presented his report entitled, International Conference on Municipal Waste Combustion - Hollywood, Florida: April 11-14, 1989, dated February 8, 1989, stating Director Davis had requested the item be placed on the agenda; that the Environmental Protection Agency (EPA) and the Environment Canada were sponsoring the highly technical conference regarding incineration as a means of handling municipal waste problems; that it would provide an opportunity to share experiences in construction, monitoring, design and

operation of municipal waste incinerators; and staff was requesting authorization for two staff members and any number of Board Directors to attend the April 1989 conference.

Director Diridon noted the Board's Ad Hoc Committee on Resource Recovery Facilities had a Technical Advisory Committee (TAC) and suggested members from that committee also be authorized to attend; Directors Davis and Hughan indicated they would like to attend; and Director Aramburu moved that the Board authorize any number of Directors, two TAC and two staff members to attend the conference; seconded by Director Hughan; carried.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein stated he did not have a report.

CHAIRPERSON'S REPORT

SUSANNE WILSON

Chairperson Wilson updated the Board regarding the February 2, 1989 meeting with Senator Presley and members of the bakery industry to consider the four points offered for discussion related to the Inspection and Maintenance Program (I&M); stating Senator Presley had reviewed the history of the I&M Program dating back to SB 33; pointing out that certain issues were considered in SB 1997, but rejected because they were felt not to be cost effective or feasible at the time; and that he did not feel anything had changed.

Chairperson Wilson stated Senator Presley planned a clean-up bill for SB 1997 and had offered the Board to submit its ideas; but that he felt the bill needed to be in effect at least two years prior to any changes; emphasizing that all stationary measures that are being recommended would eventually have to be adopted because of the stringent Sher bill and the requirement to meet state standards.

Chairperson Wilson stated the group had also discussed the need for delivery vehicles to be covered by the bill; which subsequent investigation indicated they were; concluding that she did not think that Senator Presley would do anything with the four points which the Board had recommended.

Director Aramburu pointed out that there was a need for the Board to review what it would have to do in terms of the budget and the Sher bill, and requested that staff prepare a report for a future Board meeting regarding the SIP with line delineations of what has been done and what remains to be done. Chairperson Wilson so ordered.

Mr. Feldstein stated staff was currently working with ARB and other air pollution agencies to determine what needs to be done; and that a report could be submitted to the Board within two months.

BOARD MEMBERS' COMMENTS

Director Diridon requested that a meeting of the Ad Hoc Building Committee be called; and Director Hughan indicated she would confer with Director Diridon; and announced that the Ad Hoc Committee on Resource Recovery Facilities would meet on February 16, 1989 to select a consultant for the primer.

. . .

Director Hughan announced that the Legislative Committee would meet March 1, 1989 immediately following the regular Board meeting.

. . .

Director Davis stated a communication had been received from the Alameda County Grand Jury requesting information regarding the Conflict of Interest Codes; and suggested staff respond to the four questions by the February 28, 1989 deadline. Chairperson Wilson so directed.

Director Davis also referred to a communication from Richard Cole of ESA regarding the soil aeration regulation adopted this date; and suggested staff send him a copy of the amended rule. Mr. Feldstein responded that staff had transmitted a copy of the regulation and a response to Mr. Cole via electronic mail.

TIME AND PLACE OF NEXT MEETING

Wednesday, March 1, 1989, 9:30 A.M., 939 Ellis Street, San Francisco, California.

**CLOSED SESSION IN ACCORDANCE WITH GOVERNMENT CODE
SECTION 54956.9 TO DISCUSS LITIGATION AGAINST THE DISTRICT**

The Board adjourned to Closed Session at 10:14 a.m.

Director Gonzalez arrived during Closed Session at 10:20 a.m.

The Board reconvened at 10:32 a.m. and adjourned at that time.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

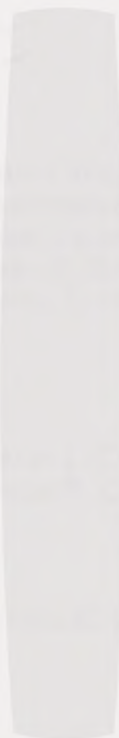
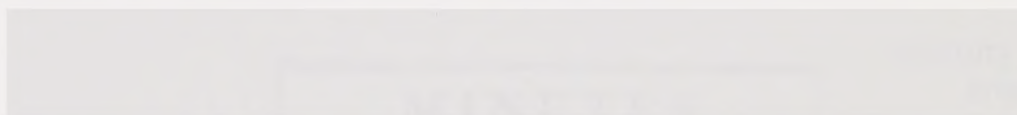
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Bay Area Air Quality Management District

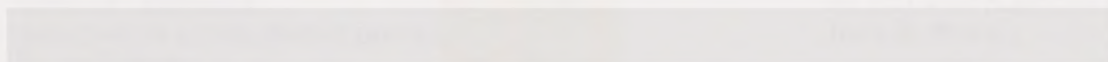
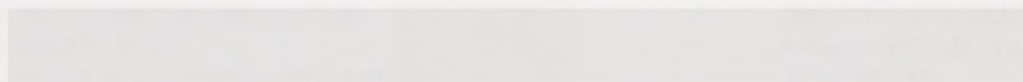
100 California Street

San Francisco, California 94111

771-6700



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**BAY AREA
AIR QUALITY MANAGEMENT DISTRICT**
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

1551
Mar 15, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING
9:30 A.M., WEDNESDAY, MARCH 15, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

APR 11 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SUSANNE WILSON,
CHAIRPERSON
ALBERT ARAMBURU
HARRY G. BRITT
MARTHA CLEVINGER

CHUCK CORICA
OSBY DAVIS
ANNA G. ESHOO
JIM GONZALEZ
JIM HARBERTSON

ROBERTA H. HUGHAN
SUNNE McPEAK
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

SHIRLEY J. CAMPBELL
EDWARD R. CAMPBELL

PAUL L. COOPER

ROD DIRIDON

ADVISORY COUNCIL MEMBERS PRESENT

MICHAEL R. BARR

JACK C. OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS F. BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN F. BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES

EDWARD McHUGH
DIRECTOR OF PUBLIC
INFORMATION & EDUCATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN F. POWELL
LEGAL COUNSEL
JOHN A. SWANSON
DIRECTOR OF PERMIT SERVICES

CAROL BRADLEY
CLERK OF THE BOARDS

Chairperson Wilson called the meeting to order at 9:37 a.m.

**INTRODUCTION OF ADVISORY COUNCIL
MEMBERS**

The Clerk introduced Mr. Michael R. Barr.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF MARCH 15, 1989

DIVISION MONTHLY REPORTS

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending January 31, 1989, and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period February 1-28, 1989.

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(2/27/89)
Jeffrey Baxter
Manager, Finance & Administration
Ideal Paint Company, Inc.
San Francisco, California

regarding a refund for payment of \$500 civil penalty assessed under Violation Notice #01324, issued for selling non-complying paint, and opining that responsibility for a non-complying paint product lies with the manufacturer. (3/2/89)

(3/3/89)
Therese Watkins
Senior Planner
Metropolitan Transportation Commission

requesting appointments from the private sector to the "Bay Vision 2020" Blue Ribbon Commission in categories of land use, transportation, environment and economy. (3/3/89)

(3/6/89)
Jananne Sharpless
Chairperson
Air Resources Board
Sacramento, California

inviting the participation of the Bay Area Air Quality Management District in a public meeting of the Air Resources Board at 8:30 a.m., on March 10, 1989, at the Dunfey Hotel, Golden Gate West Room, 1770 South Amphlett Boulevard, in San Mateo. (3/7/89)

(3/8/89)
Jacqueline A. Bogard
Director, Environmental Programs
Santa Clara County Manufacturing Group
Santa Clara, California

stating that the Manufacturing Group felt insufficient time was given to submit toxic emission inventory data to the District; that further data corrections will be forthcoming; and requesting postponement of the Inventory publication. (3/9/89)

(3/9/89)
Kenneth A. Manaster
BAAQMD Hearing Board

indicating the new officership of the Hearing Board: Thomas J. Ferrito, Chairperson; Henry J. Ongerth, Vice-Chairperson. (3/9/89)

(3/13/89)
Ora Huth
President
League of Women Voters of the Bay Area

requesting \$16,000 for Fiscal Year 89-90 to complete regional agencies funding partnership for the MONITOR project. (3/14/89)

(3/10/89)
Nancy L. Parent
Mayor
City of Pittsburg

expressing concern generated by the Pittsburg Planning Commission regarding dust pollutants emitted by the Diablo Service Corporation, a petroleum coke distribution

center; and the Planning Commission's intent to invite District staff to a work session for educational purposes. (3/14/89)

AMENDMENTS TO SCHEDULE OF CHARGES FOR DISTRICT PUBLICATIONS

The APCO's report entitled, Amendment to Schedule of Charges for District Publications, dated March 8, 1989, was presented.

Adopted **Resolution No. 1854**, *In the Matter of Amending the Schedule of Charges for District Publications and of Promulgating the Schedule of Fees for District Services, Materials and Equipment Use.*

APPROVAL FOR TRANSFER OF FUNDS

The APCO's report entitled, Approval for Transfer of Funds, dated March 8, 1989, was presented.

Adopted **Resolution No. 1855**, *In the Matter of Approving a Transfer of Funds Between Administration General Accounts from Various PERS Accounts to the Administration General Account.*

Director Ogawa moved the adoption of the above Consent Calendar items; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, CLEVINGER, CORICA, DAVIS, GONZALEZ,
McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, S. CAMPBELL, COOPER, DIRIDON, ESHOO,
HARBERSON, HUGHAN.

REPORT OF LEGISLATIVE COMMITTEE

CHAIRPERSON HUGHAN

In the absence of Director Hughan, Chairperson Wilson stated the Board would receive the report upon her arrival.

REPORT OF BUDGET & FINANCE COMMITTEE

CHAIRPERSON DAVIS

Director Davis stated the Committee had met this date prior to the regular Board meeting and they were recommending the transfer of \$346,000 from the Reserve for Contingency to purchase air monitoring equipment needed to meet the requirements of the California Clean Air Act.

Director Davis continued stating the equipment would be ordered immediately and installed promptly in order to collect data during the 1989 summer ozone season; that staff had requested a sole-source contract with ENSR Consulting and Engineering (formerly ERT), a company with extensive experience with airometric systems, including work for the District installing and calibrating meteorological towers. Director Davis stated that after Committee discussion it was agreed that staff would conduct a telephone survey to obtain two or three additional bids to compare with the ENSR bid, both in terms of cost and timeliness; and that he would move the Board approve the fund transfer of \$346,000; seconded by Mr. Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, CLEVINGER, CORICA, DAVIS, GONZALEZ,
McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, S. CAMPBELL, COOPER, DIRIDON, ESHOO,
HARBERTSON, HUGHAN.

Adopted **Resolution No. 1856**, *In the Matter of Approving a Transfer of Funds From the Reserve for Contingencies and Authorizing the Air Pollution Control Officer to Sign Purchase Orders in Excess of \$15,000.*

Director Davis stated the \$346,000 transfer would leave approximately \$68,000 in the Reserve for Contingency fund; and that staff did not anticipate any other emergencies prior to June 30, 1989.

Director Harbertson arrived at 9:43 a.m.

DISTRICT RESPONSE TO EPA LETTER REGARDING COMPLIANCE WITH THE BAY AREA 1982 AIR QUALITY PLAN

Mr. Feldstein presented his report entitled, District Response to EPA Letter Regarding Compliance with the Bay Area 1982 Air Quality Plan, dated March 10, 1989; stating the District had received a letter from EPA on February 24, 1989 indicating that the District might be subject to sanctions under the Clean Air Act for not implementing measures which were committed to in the 1982 Plan; that EPA's specific concerns revolved around (A) adoption of stationary source measures committed to in the 1982 Plan; (B) development of contingency stationary source control measures with a time frame for adoption; and (C) development of carbon monoxide control measures. Mr. Feldstein continued stating of the 23 stationary source measures included in the 1982 Plan, 18 had been adopted and implemented by the District; and that the five remaining control

measures to be adopted were: (1) large commercial bakeries; (2) automobile refinishing; (3) pesticides; (4) reciprocating engines; and (5) consumer solvents.

Directors Eshoo and Hughan arrived at 9:48 a.m.

Using slides and overheads, Mr. Feldstein reviewed his handout entitled, Presentation By Bay Area Air Quality Management District Before the Board of Directors, dated March 15, 1989, and updated the Board on activities related to the remaining five measures; explained the estimated reductions in the adopted stationary source contingency measures as well as those for new contingency stationary source control measures; and reviewed air quality data for ozone over the past few years.

Concluding his report, Mr. Feldstein stated staff's proposal was to respond to the letter from EPA and to do basically three things:

1. Tell the EPA that the District would be considering the bakery rule and the auto refinishing rule within the time frame proposed by EPA.
2. Commit to consider the contingency measures that he had discussed (Table B);
3. To call upon MTC to move forward on the implementation of the Sher and Cortese Bills regarding transportation control measures.

Mr. Feldstein stated staff had prepared a resolution for the Board's approval, but offered that they might want to amend it to eliminate the proposal to move the hearing on a bakery rule from September 1989 to July 1989.

Chairperson Wilson stated that because the individuals who would be interested in that particular rule were not present at the Board meeting this date, that she would recommend the item be placed on the Board's next agenda for discussion; and Director Aramburu suggested the Board consider requesting EPA to place the District in a deferred category. After considerable discussion regarding the overhead charts and the information presented by staff, Chairperson Wilson directed a press release be issued outlining the outstanding accomplishments of the District in its efforts to attain the ozone standard.

Director McPeak questioned whether the Board would be discussing transportation legislation in relationship to transportation systems management at today's meeting; and Mr. Feldstein stated the Board's Legislative Committee would be meeting on April 5 to discuss that legislation.

The following individuals made public presentations:

JULIA MAY
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

presented a chart extracted from the IEMP EPA study conducted in Santa Clara County which reflected health effects numbers; stating staff had done an excellent job in reducing air quality problems, but there were still severe problems; and offered a number of reductions that could be achieved; and urged the District to meet the June 30 deadline for emissions reductions. Director Gonzalez requested Ms. May supply him

with copies of whatever information CBE had available regarding pesticides and weed oils.

ANNE GERAGHTY
TRANSPORTATION/SIP UNIT
AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

reviewed the contents of the State of California Air Resources Board Resolution No. 89-31, dated March 10, 1989, which urged the District Board to approve the schedule presented by staff to the ARB Board entitled, Adopted Stationary Source Contingency Measures, for forwarding to the EPA; and offered that the ARB Executive Officer would work with the District to assure the timely adoption of those measures, including the commercial bakeries and auto refinishing rules by September 30, 1989.

Director McPeak stated there discussions were currently being held in Sacramento regarding a new funding bill (\$20,000,000) which came down to the question of whether there should be a commitment to link transportations systems management to growth management; and that she would suggest the Board's Legislative Committee or the full Board discuss this issue so that the Board could take a policy position to support efforts to get transportation systems management and growth management linked; and that she would provide Mr. Feldstein and Director Hughan, Legislative Committee Chairperson, with copies of the background material.

NEIL KENDALL
BOARD OF DIRECTORS
SAN FRANCISCO TOMORROW

encouraged the Board to force MTC to develop an effective, efficient transportation control measures program; and suggested Environmental Impact Reports should include TMS data regarding mitigation for transit impact.

Mr. Feldstein questioned whether the Board would consider adopting staff's resolution if the portion referring to the bakery hearing date were eliminated. Mr. Powell confirmed that the Board could, in fact, adopt the resolution; and Director Eshoo so moved; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, CLEVINGER, CORICA, DAVIS, ESHOO,
GONZALEZ, HARBERTSON, HUGHAN, McPEAK, NICOLOPULOS,
OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, S. CAMPBELL, COOPER, DIRIDON.

Adopted Resolution No. 1857, In the Matter of Responding to the February 24, 1989 Letter from the United States Environmental Protection Agency Regarding compliance with the 1982 Bay Area Air Quality Plan.

REPORT OF LEGISLATIVE COMMITTEE

Chairperson Hughan

Director Hughan stated the Committee had met March 1 immediately following the Board meeting to consider six Assembly and Senate bills of interest to the District; and the Committee was recommending the Board support:

AB 35 and 40 (Eastin) - AB 35, requires the inclusion of an air quality element in the general plans of cities and counties; AB 40, requires the lead agency who prepares an EIR to also prepare an air quality impact analysis.

AB 58 (Roybal-Allard) - would expand the notice requirements relating to EIR for facilities which burn hazardous or municipal waste, or refuse-derived fuel.

SB 54 (Torres) - would require facilities that burn hazardous waste to abide by the same issuance and renewal of permits restrictions that currently apply to projects that burn municipal waste or refuse-derived fuel.

SB 118 (Marks) - proposes a \$5 increase in issuance and renewal fees for personalized license plates; with \$1 allocated for advertisement of the personal license plate program. Director Hughan stated the Committee was recommending the Board support this bill with a friendly amendment noting their concern regarding the diversion of a portion of the funds to other than environmental programs.

SB 231 (Roberti) - requires ARB to determine replacements for chlorofluorocarbons (CFC); and prohibits the use of CFC when replacement products could be used.

Director Hughan moved the Board support the six bills; seconded by Director Aramburu; carried.

There was discussion regarding the District's lobbyist in Sacramento, and Director Gonzalez noted he did not know who the lobbyist was and suggested he be invited to a Board meeting. Chairperson Wilson directed staff invite Mr. Gerald Desmond, District Lobbyist, to attend the April 5 regular Board meeting.

Mr. Feldstein reminded Director Hughan that the Committee had also agreed to recommend the Board support a bill authored by Senators Sher and Rosenthal which would authorize the Department of Motor Vehicles to collect registration fee surcharges for air pollution control districts in order to implement the Sher bill; and that at the time, the bill did not have a number, but it was now numbered AB 1130 (Sher). Director Hughan so moved, seconded by Director Ogawa; carried.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein requested the Board consider postponing the April 5 public hearing to Consider Amendments to Regulation 10, New Plant Performance and Emission Requirements to the regular Board meeting of April 19. Director Hughan moved that the item was of an emergency nature and should be heard; seconded by Director

Gonzalez; carried. Director Gonzalez moved the April 5 public hearing be postponed to April 19; seconded by Director Eshoo; carried.

CHAIRPERSON'S REPORT

SUSANNE WILSON

Chairperson Wilson made the following announcements:

Appointed Director Shirley J. Campbell as one of the Board representatives on the Joint Air Quality Policy Committee (JAQPC); to replace Director Diridon who was now an automatic representative on the JAQPC as the MTC Chairperson; and noting that Directors Aramburu and Campbell should represent her at the March 23 meeting, as she would be out of town.

Appointed Director Albert Aramburu as the Board representative on County Supervisors Association of California.

Cancelled the regularly scheduled Executive Committee meeting of Wednesday, March 29, 1989; and directed staff notify absent Board members.

Reviewed the Board Communication from Therese Watkins regarding the Bay Vision 2020, and stated she would accept any nominations of interested, qualified individuals.

BOARD MEMBERS' COMMENTS

Director Davis noted a Board Communication from Mr. Jeffrey Baxter of Ideal Paint Company requesting a refund; and questioned whether staff had responded to the letter. Mr. Feldstein stated the District response would be mailed this date.

Director Gonzalez requested staff prepare a report for the City and County of San Francisco Board of Supervisors regarding the impact the planting of 1,000,000 trees would have on the environment. Mr. Feldstein stated the report would be forthcoming prior to the next Board meeting.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, April 5, 1989, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:23 a.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB;jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109

Dept. of Governmental Studies
University of California
110 S. 10th St.
Berkeley, CA 94720

FIRST CLASS MAIL

A1581
April 5, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, APRIL 5, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

APR 24 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SUSANNE WILSON, CHAIR
ALBERT ARAMBURU
HARRY G. BRITT
EDWARD R. CAMPBELL
SHIRLEY J. CAMPBELL
MARTHA CLEVINGER

PAUL L. COOPER
CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
ANNA G. ESHOO
JIM GONZALEZ

JIM HARBERSON
ROBERTA H. HUGHAN
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

SUNNE McPEAK

ADVISORY COUNCIL MEMBERS PRESENT

JACK C. OPPENHEIMER

DANIEL V. PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS F. BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN F. BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
ROB DeMANDEL
RESEARCH & PLANNING SECTION MANAGER
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIR. OF PUBLIC INFORMATION
JOHN F. POWELL
LEGAL COUNSEL
JOHN A. SWANSON
DIRECTOR OF PERMIT SERVICES
CAROL BRADLEY
CLERK OF THE BOARDS

Chairperson Wilson called the meeting to order at 9:41 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Messrs. Jack C. Oppenheimer and Daniel V. Phelan.

PUBLIC PRESENTATION

There was none.

Chairperson Wilson obtained the consent of the Board to remove Item No. 14, Discussion of Policy Issues Related to Transportation Funding, to be heard at a future meeting; stating further that Director McPeak had requested the item be agendaized, and she would not be in attendance at this meeting.

APPROVAL OF MINUTES OF MARCH 15, 1989

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(3/15/89)
NEIL GENDEL
SIERRA CLUB, SAN FRANCISCO BAY CHAPTER
SAN FRANCISCO, CALIFORNIA

submitting commentary concerning warning from the EPA regarding District implementation of its 1982 Air Quality Plan. (3/20/89)

(3/89)
ASSEMBLYMAN DOMINIC L. CORTESE
24TH DISTRICT
CALIFORNIA ASSEMBLY LEGISLATURE
SACRAMENTO, CALIFORNIA

submitting photocopy of correspondence from Warren Weber, Legislative Director, Department of Transportation, supporting toll-free access on Bay Area State-owned toll bridges. (3/21/89)

(3/10/89)
 CONGRESSMAN DON EDWARDS
 HOUSE OF REPRESENTATIVES
 WASHINGTON, D.C.

submitting photocopy of correspondence to Admiral Paul Yost, Commandant of the U.S. Coast Guard, urging prompt implementation of safety standards for marine vapor recovery systems. (3/20/89)

(3/20/89)
 JEFF BAXTER
 MANAGER, FINANCE & ADMINISTRATION
 IDEAL PAINT COMPANY
 SAN FRANCISCO, CALIFORNIA

objecting to a District fine assessed under Regulation 8-3-304. (3/21/89)

(3/17/89)
 JANNANE SHARPLESS
 CHAIRWOMAN
 CALIFORNIA AIR RESOURCES BOARD
 SACRAMENTO, CALIFORNIA

- enclosing booklet entitled "Air Quality and Growth in the San Joaquin Valley," dated January, 1989. (3/20/89)
- announcing the next meeting of the San Joaquin Valley Air Quality Study Policy Committee: April 7, 1989, 10:00 am., at the ARB Executive Conference Room in Sacramento. (3/28/89)
- enclosing notice announcing the April 18, 1989 presentation by Sigma Research Corporation on the results of their contracts to develop two new air quality models for the California Air Resources Board.

(3/22/89)
 TERRY MCGUIRE, CHIEF
 TECHNICAL SUPPORT DIVISION
 CALIFORNIA AIR RESOURCES BOARD
 SACRAMENTO, CALIFORNIA

enclosing recommendations made at the February 22, 1989 meeting of the Modeling Advisory Committee. (3/28/89)

(3/22/89)
 PETER VENTURINI, CHIEF
 STATIONARY SOURCE DIVISION
 CALIFORNIA AIR RESOURCES BOARD

enclosing photocopy of correspondence to Mr. Emmett Creason, Chairperson, North Bay Traffic Engineering Forum, City of Novato, California, regarding the recommendations of the Technical Review Group for traffic paints and exempt solvents. (3/24/89)

(3/14/89)
DALE TURNER
MAYOR, CITY OF LIVERMORE
LIVERMORE, CALIFORNIA

regarding the inclusion of an Air Quality Element in the General Plan of the City of Livermore. (3/20/89)

(3/24/89)
LESLIE STEWART
ADMINISTRATIVE SECRETARY
LEAGUE OF WOMEN VOTERS OF THE BAY AREA
OAKLAND, CALIFORNIA

submitting the request of the League's MONITOR Project for District funding in the amount of \$16,000 for Fiscal Year 1989-90. (3/28/89)

(3/27/89)
ALAN CARLTON
CONSERVATION CHAIR
SIERRA CLUB
SAN FRANCISCO BAY CHAPTER

appointing Mr. David Tam as Sierra Club representative to the Technical Advisory Committee. (3/31/89)

(3/6/89)
ROSE MARKOVICH
CONTRA COSTA COUNTY I. T. CORPORATION TASK FORCE

enclosing the Minutes of the Joint Meeting of Contra Costa County Task Force and Bay Area Air Quality Management District on I. T. Corporation of March 6, 1989. (4/3/89)

(4/4/89)
MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

submitting commentary to the Hearing Board regarding penalty fees assessed in Docket No. 2038, City of Napa. (4/4/89)

REFUNDS

The APCO's report entitled, Refunds, dated March 29, 1989 was presented.

APPROVAL OF AMENDMENTS TO AFFIRMATIVE ACTION PLAN
--

The APCO's report entitled, Approval of Amendments to Affirmative Action Plan, dated March 29, 1989, was presented.

Adopted **Resolution No. 1858**, *In the Matter of Amending the Affirmative Action Plan.*

TRANSFER OF FUNDS

The APCO's report entitled, Transfer of Funds, dated March 29, 1989 was presented.

Adopted **Resolution No. 1859**, *In the Matter of Approving a Transfer of Funds Between Accounts.*

AUTHORIZATION FOR PURCHASE OF CAPITAL EQUIPMENT

The APCO's report entitled, Approval for Purchase of Capital Equipment, undated, was presented.

Adopted **Resolution No. 1860**, *In the Matter of the Re-allocation of Capital Expenditure Funds and Approval for the Purchase of a Three-Channel CO₂ Instrument.*

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, undated, was presented.

Director Ogawa moved the adoption of the above Consent Calendar items, and holding Item No. 14 over to a future meeting; seconded by Director Diridon; carried on roll call:

AYES: E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, DIRIDON,
GONZALEZ, HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: ARAMBURU, BRITT, CORICA, DAVIS, ESHOO, HARBERSON,
McPEAK.

REPORT OF AD HOC COMMITTEE ON RESOURCE RECOVERY FACILITIES

CHAIRPERSON DIRIDON

Director Diridon stated the Committee had met on Thursday, March 30 and received an update on the status of the grants for the primer, and to interview three candidates interested in being considered as the recycling representative on the Technical Advisory Committee (TAC). Director Diridon stated two of the three applicants had been interviewed, and were both very qualified; that the third applicant had been called out-of-town and could not attend the Committee meeting; so the Committee had scheduled a special Call Meeting at 10:30 a.m. this date to interview the third candidate. Director

Diridon continued stating he would request that the meeting be adjourned at 10:30 a.m. in order for the Committee to interview the candidate; and then to reconvene at the conclusion of the their Committee meeting and make a recommendation to the Board. Chairperson Wilson so ordered.

REPORT OF LEGISLATIVE COMMITTEE

CHAIRPERSON HUGHAN

Director S. Campbell stated the Committee had met at 9:00 a.m. this date and she had chaired the Committee in the absence of the Chairperson; and there had been a discussion of pending and proposed legislation.

Director Aramburu arrived at 9:44 a.m.

Director S. Campbell stated staff had recommended supporting the following Assembly Bills: AB 471 (Katz), AB 1611 (Eastin), AB 1737 (Friedman), AB 2203 (Cortese), and AB 2371 (Cortese); and the following Senate Bills: SB 718 (Rosenthal) and SB 1183 (Mello); that staff had recommended opposing AB 2328 (Quackenbush) and SB 1409 (Presley); that the Committee had agreed with the staff recommendation, and she would move the Board approve the Committee recommendations; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
DIRIDON, GONZALEZ, HUGHAN, NICOLOPULOS, OGAWA, WHITE,
WILSON.

NOES: NONE.

ABSENT: BRITT, CORICA, DAVIS, ESHOO, HARBERSON, McPEAK.

Director S. Campbell stated the District's Legislative Advocate, Mr. Gerald Desmond, was also in attendance at the Committee meeting, as well as present at the Board meeting; and requested he stand and address the Board.

Gerald Desmond
Legislative Advocate
Bay Area Air Quality Management District

stated he had been the District's lobbyist since 1971; and explained that the nature of lobbying had changed quite a bit from then to now; that, working with his son, they now had an office across the street from the Capitol, and spent more time involved at the Capitol.

Directors Britt and Eshoo arrived at 9:47 a.m.

Mr. Desmond stated the District had an excellent reputation in Sacramento because of the air quality achievements in the District.

Director Davis arrived at 9:54 a.m.

At the conclusion of Mr. Desmond's presentation, there were various questions by the Board regarding the procedure for transmitting legislation, the frequency of visits to the District by Mr. Desmond, and the need for Boardmember attendance at legislative hearings in Sacramento; Director Cooper requested a copy of all weekly reports Mr. Desmond provides to the APCO be sent to him also; and suggested Mr. Desmond visit the Board of Directors much more frequently than every two years; and Director Gonzalez suggested the Board bus caravan trips to Sacramento be re-established.

**DISCUSSION OF RESCHEDULING OF PUBLIC HEARING FOR
LARGE COMMERCIAL BAKERIES FROM SEPTEMBER TO JULY**

Chairperson Wilson stated that since Item No. 16 under the Report of APCO - Written Summary of Meeting with Senator Presley Regarding Vehicle Inspection and Maintenance Program was related to this item, she would combine the discussions of the two.

Mr. Feldstein presented his report entitled, Public Hearing on Bakery Rule, dated March 29, 1989; reviewing the decisions made at the December 21, 1988 public hearing regarding large commercial bakeries; stating the Board had determined they would continue the hearing to September 20, 1989; staff was requesting that the hearing be moved up to July 19, 1989 for the following reasons: (1) EPA has indicated that the District consider the rule before the end of September; (2) if the Bakery Association presented additional testimony at the September 20 hearing, the Board would need time to evaluate such testimony; and (3) that the July 19, 1989 hearing date would give staff an additional two months to consider and evaluate testimony presented.

Directors Corica and Harberson arrived at 10:04 a.m.

Mr. Feldstein continued his presentation by reviewing the outcome of the visit to Senator Presley's office in Sacramento by Chairperson Wilson, members of staff, and representatives of the bakery industry; to present the four points related to the improved I&M Program; concluding his report by stating there was a Notice to Sue by Citizens for a Better Environment (CBE) and the Sierra Club because the District had not carried out the goals made in the 1982 Plan.

There was discussion regarding the need for a response to EPA by September; rescheduling the public hearing to September 6 rather than September 20; and Director Aramburu moved that the public hearing be rescheduled to July 19, 1989 as recommended by staff. There was no second to that motion, and after discussion, Director Aramburu withdrew the motion.

There was also discussion regarding moving the public hearing up in order to allow staff have adequate time to evaluate any studies submitted by the bakery industry; setting a deadline for the studies to be presented to the Board; taking a vote on the issue in August 1989; having a process that would balance out the industries' intent to do a study; and taking final action on September 20 as planned, but starting the process on July 19 as staff proposed.

The following individuals presented public testimony:

FRED M. POWNALL
BAY AREA BAKERIES
SAN FRANCISCO

reviewed his handout entitled, Scientific Studies Currently Or Soon To Be In Progress Which Are Relevant To Consideration Of Proposed Rule 42 Relating To Large Commercial Bakeries, dated April 5, 1989; stating he would be happy to provide the District staff with the results of the six studies listed as soon as each was completed; and suggested the EPA mandate to consider a commercial bakery rule prior to the end of September 1989 was not a rigid deadline.

PAT CAFFERTY
AMERICAN BAKERS' ASSOCIATION
SAN FRANCISCO

reviewed the background of the September 30, 1988 federal deadline; stating it was an arbitrary deadline with no statutory or regulatory basis; that the EPA knew adjustments could be made; and that the American Bakers' Association believed EPA and CBE had misinterpreted the intent of the February 24, 1989 letter.

ALAN RAMO
LEGAL DIRECTOR
CITIZENS FOR A BETTER ENVIRONMENT

clarified CBE's interpretation of the federal deadline; urged the Board to conduct a sufficient number of workshops on the proposed Rule 42; stating everyone must do their part to sustain clean air.

Chairperson Wilson noted that in July the NACO meeting would be held in Cincinnati, Ohio and there may not be a Board quorum; and that she personally would prefer the public hearing date be moved to August 2, 1989. Director Aramburu moved to open the public hearing on August 2, 1989; seconded by Director Cooper; carried unanimously.

Director Britt questioned when the Board intended to take action; and Director Eshoo stated she felt the Board was obligated to stand by the date that was set at the December 21, 1988 public hearing; and Director Aramburu stated he would be willing to amend his motion to state that the public hearing be opened on August 2, 1989 with the understanding that no action would be taken before September 20, 1989; Director Cooper stated as the seconder, he would agree to that amendment; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DIRIDON, ESHOO, GONZALEZ, HARBERSON,
HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: DAVIS, McPEAK.

Director Diridon requested the members of his Ad Hoc Committee on Resource Recovery Facilities be excused from the Board meeting in order to conduct an interview of the potential resource recovery industry candidate as stated earlier in his report; and Chairperson Wilson so ordered.

At 11:07 a.m., the following Directors were excused from the Regular Board meeting: Cooper, Corica, Diridon, Hughan, Ogawa, White.

DISCUSSION OF DEPARTMENT OF INTERIOR OCS REGULATIONS

Mr. Feldstein presented his report entitled, Notice of Proposed Rulemaking Regarding Air Pollution Control Requirements for California Outer Continental Shelf Oil and Gas Facilities, dated March 29, 1989; stating staff was recommending the Board authorize the Chairperson to sign a letter to Mr. Gerald D. Rhodes, Chief of the Branch of Rules, Orders and Standards, Minerals Management Service which outlined the Board's comments on the proposed rule to regulate air pollution from OCS facilities offshore California; and to approve the resolution which would accompany the letter to Mr. Rhodes.

Director Aramburu so moved; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, DAVIS, ESHOO,
GONZALEZ, HARBERSON, NICOLOPULOS, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, COOPER, CORICA, DIRIDON, HUGHAN, McPEAK,
OGAWA, WHITE.

Adopted **Resolution No. 1861**, *In the Matter of Providing Comments to the Minerals Management Service Regarding Their Proposed Rule To Control Air Emissions From Oil And Gas Facilities On The California Outer Continental Shelf.*

CHAIRPERSON'S REPORT

SUSANNE WILSON

Chairperson Wilson requested that staff respond to the Santa Clara County Manufacturing Group regarding the Toxic Air Pollution Inventory; and Mr. Feldstein stated staff had responded to Ms. Jacqueline A. Bogard, who was the Director of the Environmental Program of that group on March 15, 1989.

* * *

Chairperson Wilson requested staff publish the dates of the Annual Air Pollution Control Association meeting to allow Board members time to make plans to attend the meeting. Mr. Feldstein noted that the meeting would be June 25-30, 1989, and held in Anaheim, California; and that formal informational brochures would be forthcoming very soon.

BOARD MEMBERS' COMMENTS

Director Davis inquired whether the Sierra Club Legal Defense Fund, Inc., correspondence regarding its Notice of Intent to file suit under Section 304 of the Clean Air Act, dated April 3, 1989, had been responded to by staff; and Mr. Feldstein stated a response was in preparation. Director Davis requested that in the future an indication be made on the *Board Communications* list denoting whether a response had been made or was in process. Chairperson Wilson so ordered.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, April 19, 1989, 939 Ellis Street, San Francisco, California.

**CLOSED SESSION TO INSTRUCT DESIGNATED REPRESENTATIVES
PURSUANT TO GOVERNMENT CODE SECTION 54957.6**

The Board recessed to Closed Session at 11:14 a.m. and reconvened at 11:40 a.m.

REPORT OF AD HOC COMMITTEE ON RESOURCE RECOVERY FACILITIES

CHAIRPERSON DIRIDON

Director Cooper stated the Ad Hoc Committee had interviewed Mr. Skip Lacaze, Solid Waste Management Consultant; that he was the final candidate interviewed for the position of resource recovery industry representative on the Technical Advisory Committee (TAC), which would oversee the development of the resource recovery primer; and that the Committee was recommending he be appointed to TAC; and he would so move; seconded by Director Ogawa; carried unanimously.

The meeting was adjourned at 11:43 a.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB:jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

A/58/
Apr. 19, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, APRIL 19, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

MAY 9 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SUSANNE WILSON, CHAIR
ALBERT ARAMBURU
HARRY G. BRITT
EDWARD R. CAMPBELL
SHIRLEY J. CAMPBELL

MARTHA CLEVINGER
PAUL L. COOPER
CHUCK CORICA
OSBY DAVIS
ANNA G. ESHOO

JIM HARBERSON
ROBERTA H. HUGHAN
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

ROD DIRIDON

JIM GONZALEZ

SUNNE McPEAK

ADVISORY COUNCIL MEMBERS PRESENT

DAN PHELAN

JOHN HOLTZCLAW, PhD

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS F. BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN F. BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
JOAN DRACOTT
PUBLIC INFORMATION OFFICER
BARBARA DRESSSELHAUS
ENFORCEMENT SPECIALIST

CAROL BRADLEY
CLERK OF THE BOARDS

VICKI DVORAK
ENFORCEMENT SPECIALIST
PETER HESS
DEPUTY AIR POL. CTRL OFFICER
ELLEN LINDER
SPECIAL PROJECTS ADVISOR
TOM PERARDI
DIRECTOR OF PLANNING
JOHN F. POWELL
LEGAL COUNSEL

Chairperson Wilson called the meeting to order at 9:36 a.m.

**INTRODUCTION OF ADVISORY COUNCIL
MEMBERS**

The Clerk introduced Mr. Daniel V. Phelan.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF APRIL 5, 1989

The Clerk announced there were two typographical errors on page five; under "Time and Place of Next Meeting" the date should read *April 19*; and under "Report of Ad Hoc Committee on Resource Recovery Facilities," *Director Cooper* provided the report to the Board in the absence of Chairperson Diridon.

DIVISION MONTHLY REPORTS

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending February 28, 1989, and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period March 1-31, 1989.

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(4/4/89)

THERESE WATKINS

PRESIDENT, SAN FRANCISCO CHAPTER

WOMEN'S TRANSPORTATION SEMINAR OF SAN FRANCISCO

announcing the 1989 Women's Transportation Seminar National Conference to be held May 17-19 at the Nikko Hotel. (3/20/89)

(4/3/89)
 THERESE WATKINS
 BAY VISION 2020 CONVENERS
 OAKLAND, CALIFORNIA

submitting copy of preliminary agreement establishing a cooperative effort between Bay Vision 2020 and the Regional Issues Forum; and announcing the next meeting of the Bay Vision 2020 Conveners scheduled 9:30 a.m., May 3, 1989 at the MetroCenter Auditorium at 101 Eighth Street, Oakland, California. (4/7/89)

(4/6/89)
 THOMAS J. FERRITO
 CHAIRPERSON, HEARING BOARD
 BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 SAN FRANCISCO, CALIFORNIA

responding to April 5, 1989 letter of APCO regarding Docket No. 2053, City of Napa. (4/6/89)

(4/6/89)
 JEFFREY A. BAXTER
 MANAGER, FINANCE & ADMINISTRATION
 IDEAL PAINT COMPANY
 SAN FRANCISCO, CALIFORNIA

submitting response to District correspondence of April 4, 1989 regarding a fine levied in connection with use of Giaze 'N Seal product. (4/7/89)

(4/9/89)
 MARY DOWLEY
 PALO ALTO, CALIFORNIA

encouraging the District to fully implement the 1982 Air Quality Plan. (4/11/89)

(4/11/89)
 Barbara Boxer
 Member of Congress
 Washington, D.C.

responding to Board of Directors' letter requesting her help in urging the U.S. Coast Guard to expedite the promulgation of its marine vapor control/recovery system safety regulations and its review of vapor control application on marine vessels. (4/17/89)

(4/13/89)
 Robert Bezzant
 Director of Public Works
 City of San Mateo

regarding April 26, 1989 workshop on Regulation 3 fees, and objecting to the proposed removal of fee exemption of public agencies. (4/17/89)

DISPOSAL OF OBSOLETE EQUIPMENT

The APCO's report entitled, Disposal of Obsolete Equipment, dated April 12, 1989, was presented.

REFUNDS

The APCO's report entitled, Refunds, dated April 12, 1989, was presented.

SET PUBLIC HEARINGS

The APCO's report entitled, Setting of Public Hearings - Conflict of Interest Statement, dated April 11, 1989, was presented:

*JUNE 7, 1989 TO CONSIDER AMENDMENTS TO REGULATION 8, RULES 14, 19 AND 31
REGARDING METAL AND PLASTIC COATING OPERATIONS*

*FOR JUNE 7, 1989 TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 45
REGARDING AUTO REFINISHING OPERATIONS*

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, dated April 12, 1989, was presented.

APPROVAL OF AB 2588 EXPENDITURES

The APCO's report entitled, Approval of AB 2588 (Toxic Hot Spot Identification Act) Expenditures, dated April 11, 1989, was presented.

Adopted **Resolution No. 1862**, *In the Matter of Submitting Anticipated AB 2588 Program Costs for Fiscal Year 1989-90 to the Air Resources Board.*

APPROVAL OF QUARTERLY ARB AUDIT REPORT

The APCO's report entitled, EPA/ARB Program Evaluation Quarterly Progress Report, dated April 12, 1989, was presented.

Director Ogawa moved adoption of the above Consent Calendar items as corrected; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, HUGHAN, NICOLOPULOS, OGAWA, WHITE,
WILSON.

NOES: NONE.

ABSENT: DAVIS, DIRIDON, GONZALEZ, ESHOO, HARBERSON, McPEAK.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION
10, NEW PLANT PERFORMANCE AND EMISSION REQUIREMENTS
(POSTPONED FROM APRIL 5, 1989)**

Chairperson Wilson opened the public hearing at 9:37 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Ms. Dresselhaus presented the APCO's report entitled, Public Hearing to Consider Amendments to Regulation 10, New Source Performance Standards, dated March 30, 1989; stating the Federal Clean Air Act required the Environmental Protection Agency (EPA) to establish New Source Performance Standards (NSPS) for significant new and modified sources which emit criteria pollutants; that they are promulgated in Title 40: Code of Federal Regulations, Part 60 (40 CFR 60); that the District was proposing to discontinue rewriting each new NSP and to adopt the entire 40 CFR 60 by reference; and the existing 47 rules contained in Regulation 10 would be repealed, thus eliminating EPA's concern regarding the equivalency of the District's NSPS rules to EPA standards.

Director Harberson arrived at 9:38 a.m.

Ms. Dresselhaus stated the proposed rule revisions would impact every existing source which is subject to the present Regulation 10, and any new facility that would be subject to 40 CFR 60; and that adoption by reference would bring changes to: (1) the emissions averaging: which would change the emissions averaging period from 30 days to a 24-hour maximum; and (2) source test methods: requiring the use of EPA methods for all source tests relating to NSPS. Ms. Dresselhaus stated a potential economic impact would be the necessity for a facility to perform two types of source tests (the District's and EPA's) for the same source; and that at the February 24, 1989 workshop, representatives from the industry and EPA were present, and a few concerns were expressed by industry regarding the potential need for the two types of source tests.

Director Eshoo arrived at 9:45 a.m.

There was a brief discussion by the Board regarding the economic impact concerns expressed at the February 24 workshop; the emissions averaging periods; and authority to enforce the regulation.

Chairperson Wilson called for public testimony, and there was none.

Director Ogawa moved to close the public hearing and adopt the resolution; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, ESHOO, HARBERSON, HUGHAN, NICOLOPULOS,
OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: DAVIS, DIRIDON, GONZALEZ, McPEAK.

Adopted **Resolution No. 1863**, *In the Matter of Amending Regulation 10 Relating to New Plant Performance and Emission Requirements.*

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8,
RULE 20, MANUAL OF PROCEDURES AND REGULATION 1, SECTION
605 REGARDING GRAPHIC ART COATING OPERATIONS**

Chairperson Wilson opened the public hearing at 9:47 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Ms. Dvorak presented the APCO's report entitled, Public Hearing on Proposed Amendments to Regulation 8, Rule 20, Manual of Procedures and Regulation 1 Pertaining to Graphic Arts Printing and Coating Operations, dated April 10, 1989; stating the proposed amendments were primarily administrative in nature; that they were the outcome of staff's review for rule effectiveness, and to ensure that deficiencies pointed out by EPA during the post-1987 State Implementation Plan (SIP) review were corrected.

Director Davis arrived at 9:52 a.m.

Ms. Dvorak reviewed the six sections affected by the proposed amendments; stating the amendment to Section 600 - Manual of Procedures added a new Laboratory procedure, lab Method 30, to be used for the analysis of non-heat set inks and coatings; that a workshop was held on January 20, 1989, and industry raised the following concerns: (1) absorption of inks should be considered a factor in determining VOC emissions; (2) ultra-violet and electron beam printing should be exempted; and (3) the low-solvent products definition be on a weight, rather than volume, basis to compensate for the alleged inequity. Ms. Dvorak continued stating staff believed that the Lab Method 30 took into account the non-evaporative nature of paste inks; that inks used in ultra-violet and electron beam printing are paste inks; that an exemption is unnecessary; and an inequity does not exist by which liquid and paste inks would be tested.

Referring to the APCO's secondary report entitled, Public Hearing to Consider Amendments to Graphic Arts Rule: Errata Sheet, dated April 18, 1989, Ms. Dvorak stated that one of the amendments had to do with a reference to a procedure for the analysis of samples; that staff was now proposing to clarify the use of the proposed new analytical procedure for non-heat set inks so that it would apply to solvent-based non-heat set inks only; and the language did not significantly affect the meaning of the proposed amendments.

There was Board discussion regarding the quality of the print of the product; the type of facilities which would emit 30 lbs. of VOC per day; the proposed change in the definition in low-solvent ink; and the possible problems industry expected to experience. Director Nicolopulos commended Ms. Dvorak for her comprehensive presentation.

Chairperson Wilson called for public testimony, and the following individual spoke:

Anne Pantley
Arcata Graphics
San Jose

referring to Section 503, Usage Records, requested 503.2 and 503.3 be combined and changed to reflect the user maintaining records on a monthly basis rather than on a daily basis, because daily record keeping was too cumbersome.

Ms. Dvorak responded stating the language in the record keeping section was consistent with most of the Regulation 8 rules; and that staff needed a tool to determine compliance on a daily basis. Mr. Hess clarified the District's position by reading from a document which stated record keeping on other than a daily basis would not be approved by the EPA. Chairperson Wilson requested the Board be provided with copies of the written rule regarding the EPA requirements.

Director Eshoo moved the hearing be closed; seconded by Director Aramburu; carried.

Director S. Campbell moved adoption of the resolution; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DAVIS, ESHOO, HARBERSON, HUGHAN,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: DIRIDON, GONZALEZ, McPEAK.

Adopted **Resolution No. 1864**, *In the Matter of Amending Rule 20 Regulation 8, Amending Section 605 of Regulation 1, and Adding Laboratory Method 30 to Volume III of the Manual of Procedures; all Relating to the Control of Organic Emissions from Graphic Arts Operations.*

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

REPORT ON AWMA MEETING

Referring to his handout entitled, The Future is Now! regarding the 82nd Annual Meeting & Exhibition Conference of the Air & Water Management Association (previously named the Air Pollution Control Association) to be held in Anaheim, California, June 25-30, 1989, Mr. Feldstein stated the program covered many topics of concern to the Board; that two highlights of the program were:

(1) the Elected Officials Workshop, sponsored by the District on Wednesday, June 28 at 10:00 a.m., and the theme would be the California Clean Air Act with Jananne Sharpless of ARB and Mr. Kip Lipper, Chief Consultant to Senator Byron Sher making presentations, as well as a Chevron Corporation representative who would present industry's views on the Clean Air Act; and (2) on Tuesday, June 27, at 7:00 p.m., there would be a panel discussion regarding lifestyle changes which would be necessary to meet the goals set in the Federal and State Clean Air Acts; that the discussion was primarily directed towards non-technical participants--citizens who are concerned with problems associated with garbage, traffic congestion.

Director Aramburu moved to approve any and all Boardmembers attendance at the AWMA Conference in Anaheim, California June 25-30, 1989; seconded by Director White; carried unanimously.

CHAIRPERSON'S REPORT

SUSANNE WILSON

Chairperson Wilson stated that for the past year she had been Chairperson of the CalTrain to Gilroy Study Committee whose charge was to consider the feasibility of extending CalTrain service to Gilroy; that Senator Henry Mello (D-Watsonville) had long been a supporter of the proposal, and in 1988 had sponsored a bill (which was vetoed by the Governor), urging state participation in the study. Continuing her report, Chairperson Wilson stated the County of Santa Clara had appropriated \$50,000 to the initial study, and had recently approved \$1.3 million for an engineering study regarding the project; and that on April 18, due to the urging of Senator Mello, the State Senate Rules Committee had incorporated the CalTrain to Gilroy proposal in the San Francisco Peninsula Commute Rail Service project. Chairperson Wilson stated CalTrain ridership would be increased by 2,600 and remove a significant number of automobiles from the roads, benefiting both air quality and the District; and that she would entertain a motion to send a letter to Senator Mello acknowledging his support. Director Eshoo moved that staff be directed to prepare a letter to Senator Mello for Chairperson Wilson's signature, thanking and commending him for his efforts; seconded by Director Ogawa; carried unanimously.

BOARD MEMBERS' COMMENTS

Director Aramburu stated that on Friday, April 14, he and Ed Miller, Intergovernmental Projects Specialist, had represented the Board at the County Supervisors Association of California (CSAC) policy meeting in Sacramento; that the Committee discussed ways to achieve a statewide consensus in terms of a support position for the Federal and State Clean Air Acts; that participants had been assigned work programs for review at the May 19 meeting; and that he would deliver a report subsequent to that meeting.

Referring to the Director of Enforcement's Report entitled, Monthly Activity Report - Report Period March 1-31, 1989, dated April 10, 1989, Director White noted that businesses in Napa County had received a number of violation notices; stating a representative of one of the affected companies had suggested he request a member of the District's Public Information Division be invited to Napa County to make a presentation in order to reduce the number of violation notices issued. Mr. Feldstein offered to confer with Director White to obtain a list of potential participants, stating staff would then schedule an informational meeting in Napa.

* * * * *

Directors Clevenger, Davis and Hughan presented a brief report on their attendance at the International Conference on Municipal Waste Combustion, held in Hollywood, Florida, April 11-14, 1989; stating the conference had been very technical (approximately 70%); that the refuse disposal system, incinerator, and air quality effects sessions had been very informative, though somewhat contradictory; and that industry representatives had sponsored a session to educate attendees about how to manipulate elected officials in order to assure approval of their refuse disposal plans. Director Hughan stated she had suggested the sponsors, at future meetings, permit elected officials to make presentations to explain how decisions are made.

* * * * *

Director Harberson requested a report from staff regarding the Chevron fire in Richmond, California. Mr. Feldstein called attention to copies of the lawsuit filed by a North Richmond resident against the District following the fire; stating that at the next regular meeting there would be a Closed Session in which staff would report on the matter; and staff would present a report regarding the Chevron fire at that time.

Chairperson Wilson reminded the Board that they had decided at their April 5 meeting to hold Closed Sessions at 9:30 a.m., in order to assure that a quorum was present for the very important subjects to be discussed; and that the regular meeting would begin at 10:00 a.m. on May 3.

TIME AND PLACE OF NEXT MEETING

9:30 a.m., Wednesday, May 3, 1989, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 10:41 a.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB:jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

A/581
May 3, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING
9:30 A.M., WEDNESDAY, MAY 3, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

MAY 24 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SUSANNE WILSON, CHAIR
ALBERT ARAMBURU
HARRY G. BRITT
EDWARD R. CAMPBELL
SHIRLEY J. CAMPBELL
MARTHA CLEVINGER

PAUL L. COOPER
CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
ANNA G. ESHOO
JIM GONZALEZ

JIM HARBERSON
ROBERTA H. HUGHAN
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

SUNNE McPEAK

HEARING BOARD MEMBERS PRESENT

RODNEY R. BEARD, M.D.

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PhD

DANIEL PHELAN

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS F. BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN F. BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
JOAN DRACOTT
PUBLIC INFORMATION OFFICER
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER

CAROL BRADLEY

CLERK OF THE BOARDS

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIR. PUBLIC EDUCATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN F. POWELL
LEGAL COUNSEL
JOHN A. SWANSON
DIRECTOR OF PERMIT SERVICES

Chairperson Wilson called the meeting to order at 9:35 a.m.

**CLOSED SESSION TO INSTRUCT DESIGNATED
REPRESENTATIVES PURSUANT TO GOVERNMENT CODE
SECTION 54957.6 and TO DISCUSS LITIGATION AGAINST
THE DISTRICT PURSUANT TO GOVERNMENT CODE 54956.9**

The Board adjourned to Closed Session at 9:36 a.m. During Closed Session Directors Harberson, Davis and Gonzalez arrived at 9:44 a.m., 9:52 a.m., and 9:53 a.m., respectively. The Board reconvened at 10:02 a.m., at which time Director Britt also arrived.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk indicated Mr. Daniel Phelan would arrive shortly to represent the Advisory Council.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF APRIL 19, 1989

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(4/19/89)
THERESE WATKINS
BAY VISION 2020 CONVENERS
OAKLAND, CALIFORNIA

submitting notice that the Bay Vision 2020 Convener's Meeting has been rescheduled from 9:30 a.m. - 12 noon to 11:00 a.m. - 12:45 p.m. on May 3, 1989. (4/21/89)

submitting notice that the May 3 Bay Vision 2020 Convener's Meeting has been cancelled and rescheduled for June 9, 1989. (5/1/89)

(4/19/89)
JIM RICHARDS
ENVIRONMENTAL SPECIALIST
PRINTING INDUSTRIES OF NORTHERN CALIFORNIA
SAN FRANCISCO, CALIFORNIA

expressing appreciation to District staff for its work on amendments to Regulation 8, Rule 20; and endorsing the use of Lab Method 30 to analyze samples of non-heatset inks. (4/6/89)

(4/21/89)
ALAN RAMO
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

regarding the June 30, 1989 deadline to provide MTC with estimates needed in emission reductions from TSM's. (4/25/89)

(4/21/89)
MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

responding to the letter of Mr. Robert G. Bezzant, Director of Public Works, City of San Mateo, regarding proposal to eliminate municipal fee exemptions. *** (4/21/89)

(5/89)
MARK A. LEONARD
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF UNION CITY

enclosing Notice of Preparation of a Draft Environmental Impact Report for the Mission Gate Project: Decoto Industrial Park General Plan Amendment. (5/2/89: *Transmitted to the Planning Division for comment.*)

(4/26/89)
DANIEL B. CHRISTIANS
SENIOR PLANNER
SOUTH SAN FRANCISCO REDEVELOPMENT AGENCY

enclosing for review by responsible agencies the Final Environmental Impact Report for Downtown/Central Redevelopment Project, SCH #4404190. (5/2/89: *Transmitted to the Planning Division for comment.*)

(4/26/89)
WILLIAM S. CURTISS
SIERRA CLUB LEGAL DEFENSE FUND, INC.
SAN FRANCISCO, CALIFORNIA

regarding the deadline for initial estimates of emission reductions from transportation sources under Health & Safety Code Section 40233. (4/27/89) *

(4/28/89)
MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SAN FRANCISCO, CALIFORNIA

responding to the letter from Mr. William S. Curtiss, Sierra Club Legal Defense Fund, regarding the deadline for initial estimates of emission reductions from transportation sources under Health & Safety Code Section 40233. (4/27/89)

(4/27/89)
AMY SKEWES-COX
NEIGHBORS FOR CLEAN AIR
BERKELEY, CALIFORNIA

regarding odor complaints surround the Pacific Steel Casting company in Berkeley, California and the District's enforcement of its odor regulation policy; and requesting inclusion on the Board's Agenda in the near future. (5/2/89)

REFUNDS

The APCO's report entitled, Refunds, dated April 26, 1989, was presented.

QUARTERLY REPORT OF ARB REPRESENTATIVE

Mrs. Hughan presented her report entitled, Quarterly Report of My Activities as an ARB Member, undated.

APPROVAL OF AIR MONITORING CONTRACT WITH ARB

The APCO's report entitled, Approval of Air Monitoring Contract with the California Air Resources Board, dated April 26, 1989, was presented.

Director Eshoo moved the adoption of the above Consent Calendar items; seconded by Director S. Campbell; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON,
HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CORICA, McPEAK.

Adopted **Resolution No. 1865**, *In the Matter of Authorizing the Air Pollution Control Officer to Execute an Agreement with the Air Resources Board for Air Monitoring.*

**REPORT OF AD HOC COMMITTEE
ON RESOURCE RECOVERY FACILITIES COMMITTEE**

CHAIRPERSON DIRIDON

Director Diridon stated the Committee had met on April 27; that the Technical Advisory Committee (TAC) had also attended this meeting for the purpose of being formally introduced; to be informed of the selection of the primer contractor, and to outline the role that TAC will play in the development of the primer. Director Diridon stated all of the representatives were in attendance with the exception of two members; that the meeting had been a fruitful one, and the Resource Recovery Facilities Committee would remain available for consultation to the TAC.

QUARTERLY REPORT OF THE HEARING BOARD

RODNEY R. BEARD, M.D.

Dr. Beard presented the Hearing Board report entitled, Hearing Board Quarterly Report - January/March 1989, dated May 3, 1989; stating many of the hearings involved requests for variances regarding volatile organic compounds; that a few had been for smoke emissions, and several for the collection of gases from municipal waste disposal areas.

Dr. Beard stated the Hearing Board had conducted a lengthy review of the Pipe Trades Council of Northern California and Contra Costa Building Trades Council Appeal of an Authority to Construct issued by the APCO to USS-POSCO; and that a resolution was pending. Dr. Beard continued stating there were a number of Accusations by the APCO involving landfills, volatile organic compound emissions, and odor nuisances that had resulted in Conditional Orders of Abatement.

Elaborating on odors, Dr. Beard stated there is a great deal of variation among human beings in their ability to perceive odors; and that it is very difficult to set air quality standards that are based on the detection of odors; that the question of whether an odor was a health effect was also a problem; that odors aroused a sense of anxiety and concern about the substance being smelled; and led to emotional reactions and physiological responses which were far out of proportion to the direct physiological effect of the odorous material, which resulted in political questions of judgement; and suggested the Board should be prepared for some tough decisions on odor violations.

In closing, Dr. Beard noted that he was retiring from the Hearing Board after 15 years of service; stating it had been a very illuminating experience; that he had learned something of law and more about air pollution control; that the level of cooperation and friendship among the Hearing Board had been high; and that he had particularly enjoyed the frequent contacts with Mr. Feldstein, who he had known for more than 15 years; and that it had been a pleasure to work with other members of the staff.

Director Corica arrived at 10:07 a.m.

Chairperson Wilson noted that Dr. Beard is a Professor Emeritus of Preventive Medicine at Stanford University, and had served as a member of the Hearing Board since his initial appointment in March 1973; and that he had been the only medical member on the Board since the specified vocation requirement became effective. Chairperson Wilson then presented Dr. Beard with an engraved plaque honoring his years of service.

DISCUSSION OF POLICY ISSUES RELATED TO TRANSPORTATION FUNDING

Mr. Feldstein presented his report entitled, Attached "Statement of Consensus" on Policies for Transportation Funding, dated April 26, 1989; stating Director McPeak had requested the item be placed on the Agenda for discussion; and though she was not present at today's meeting, she would like the Board to adopt as policy that any new public funding for transportation at the state level should provide incentives and rewards for local governments who institute transportation control measures and transportation systems management.

Mr. Feldstein stated the "Statement of Consensus" was derived at through a Governor's Conference on Transportation and was not in conflict with any of the policies and procedures that the Board had adopted; and that any state bill that would enlarge transportation funding would have as a requirement the necessity of cities and counties to become involved in transportation control measures and air quality elements. Mr. Feldstein stated staff would prepare a resolution of support for Board approval at the next regular meeting. Chairperson Wilson so ordered.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

STATUS REPORT ON EXPANSION PLANS AT NEW UNITED MOTORS MANUFACTURERS INC. (NUMMI)

Mr. Hess reviewed the status on the expansion plans at New United Motors Manufacturers Inc. (NUMMI), stating NUMMI was planning to add a truck line in the Fremont plant; that they would be subject to the District's rules and regulations (Regulation 2-2); and because they would be emitting ozone precursors, there were four requirements facing them in order to prevent significant deterioration of air quality: (1) new pieces of equipment must have best available control technology (BACT); (2) emission offsets must be provided (for every pound of emission NUMMI puts into the atmosphere, they must offset that amount plus 10%); (3) they must comply with the California Environmental Quality Act (CEQA); and (4) they must review the paints to make sure that they are not showing undesirable risk of air toxic emissions to the atmosphere. Mr. Hess noted that to date, an application had not been submitted.

Mr. Hess introduced the two District engineers who will be assigned to the NUMMI application: Judy Cutino and Jane Lundquist; and outlined the procedure and time lines for processing a permit; noting also that Dr. Tony Fisher, Manager of Environmental Affairs and Ms. Pat Pineda, Counsel from NUMMI, were present to answer any questions by the Board.

Directors E. and S. Campbell thanked staff for working with NUMMI; stating the project was very important to both Fremont and Alameda County because of the types of jobs it offered. There was discussion regarding the time lines to complete the application process; and Director Aramburu suggested the Board make another visit to the NUMMI facility.

The following individuals presented testimony:

DR. TONY FISHER
MANAGER
ENVIRONMENTAL AFFAIRS
NUMMI

stated NUMMI appreciated working with staff, the Board and Citizens for a Better Environment; and that they believed they could work in a positive way to complete the project by the end of the year.

STATUS REPORT ON ARB REQUIREMENTS CONCERNING PERMIT FEES

Mr. Feldstein stated that staff was planning to present the draft budget for Fiscal Year 1989-90 at the May 17 Board meeting; that much of the District's revenue came from fees along with some property taxes and grants from the state and federal government; that in recent years there had been legislative bills which authorized the Air Resources Board to require the District to collect fees from permit sources; and outlined the three programs that had made inroads on sources of revenue from permits to the extent of approximately \$1.4 million through the Kapiloff, Connelly, and Sher bills. Mr. Feldstein stated he was making this point because it may be necessary to raise fees to carry out district programs.

Chairperson Wilson requested that the budget reflect the sources of revenue, and note the percents collected for the state; and Mr. Feldstein responded that those ARB-mandated funds were not included in the budget but permittees were notified that they were ARB mandated fees.

CHAIRPERSON'S REPORT

SUSANNE WILSON

There was none.

BOARD MEMBERS' COMMENTS

Director E. Campbell stated he had received written correspondence from Neighbors For Clean Air requesting placement on the Board agenda to discuss odorous emissions from the Pacific Steel Casting facility in Berkeley; and Chairperson Wilson so ordered. Mr. Feldstein responded that the item would be placed on the Agenda of May 17, and staff would prepare a report on the matter.

Director Davis noted the Board Communications contained strongly worded letters from CBE and the Sierra Club regarding the District's failure to achieve the air quality standards, and questioned whether staff was responding to their comments which he personally found to be erroneous. Directors Aramburu, Eshoo and Chairperson Wilson acknowledged that the letters were incorrect and after discussion Chairperson Wilson directed a letter be sent to CBE and the Sierra Club responding to the accusation that the District intended to refuse to meet the June 30, 1989 deadline to supply MTC with an estimate of needed reductions from TCM's; and state the exact position of the Board of Directors, indicating that they would do whatever had to be done; as well as invite them to a meeting to discuss the issues. After further discussion, Director Diridon suggested Advisory Councilmember John Holtzclaw, PhD, who is also an active member of the Sierra Club, be invited to work with CBE, the Sierra Club, staff and a representative from the Board to solve the problem. Chairperson Wilson appointed Director Aramburu as the Board representative and directed a resolution be achieved.

* * *

Director Gonzalez stated he had received the summary of legislation that he had requested from the Legislative Advocate in Sacramento; that it was not useful because it had not been summarized; and requested that staff summarize the material before sending more information.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, May 17, 1989, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:05 a.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB:jc

A1581
May 17, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, MAY 17, 1989

MINUTES

INSTITUTE OF GOVERNMENT
STUDIES LIBRARY

JUN 12 1989

BOARD MEMBERS PRESENT

UNIVERSITY OF CALIFORNIA

SUSANNE WILSON, CHAIR
ALBERT ARAMBURU
HARRY G. BRITT
EDWARD R. CAMPBELL
SHIRLEY J. CAMPBELL
MARTHA CLEVINGER

PAUL L. COOPER
CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
ANNA G. ESHOO

JIM HARBERSON
ROBERTA H. HUGHAN
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

JIM GONZALEZ

SUNNE McPEAK

ADVISORY COUNCIL MEMBERS PRESENT

STANA D. HEARNE

JOHN HOLTZCLAW, PhD

DANIEL V. PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS F. BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN F. BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
LAURENCE G. CHASET
ASSISTANT DISTRICT COUNSEL
ROBIN DEMANDEL
RESEARCH AND PLANNING MANAGER
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
TED McHUGH
DIRECTOR OF PI&E
JOHN F. POWELL
LEGAL COUNSEL
JOHN A. SWANSON
DIRECTOR OF PERMIT SERVICES
MARY ROMAIDIS
DEPUTY CLERK OF THE BOARDS

Chairperson Wilson called the meeting to order at 9:43 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Mrs. Stana Hearne, Chairperson of the Advisory Council and Mr. Daniel V. Phelan.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF MAY 3, 1989

DIVISION MONTHLY REPORTS

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending March 31, 1989, and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period April 1-30, 1989.

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(5/2/89)
MRS. WILLIAM MORRIS
PALO ALTO, CALIFORNIA

urging the District to tighten existing regulations; stop highway expansion and augment the Inspection & Maintenance Program. (5/4/89)

(4/27/89)
JESUS ARMAS
EXECUTIVE DIRECTOR
SOUTH SAN FRANCISCO REDEVELOPMENT AGENCY
SOUTH SAN FRANCISCO, CALIFORNIA

enclosing Notice to Taxing Agencies regarding the proposed Redevelopment Plan for the Downtown Central Redevelopment Project. (5/5/89: *Transmitted to the Planning Division for comment*).

(5/4/89)
MARK A. LEONARD
COMMUNITY DEVELOPMENT DIRECTOR
UNION CITY, CALIFORNIA

enclosing Notice of Preparation of a draft Environmental Impact Report. (5/5/89:
Transmitted to the Planning Division for comment).

(5/15/89)
STANLEY HALL
EXECUTIVE DIRECTOR
EAST PALO ALTO REDEVELOPMENT AGENCY
PALO ALTO, CALIFORNIA

submitting a Notice of Preparation of a Draft Environmental Impact Report. (5/16/89:
Transmitted to the Planning Division for comment).

(4/89)
DONALD B. SHEA
EXECUTIVE VICE-PRESIDENT
THE COUNCIL FOR SOLID WASTE SOLUTIONS
WASHINGTON, D.C.

regarding initiation of research and development programs to promote alternative
technologies to landfilling. (5/5/89)

(5/9/89)
JAMES BOYD
ARB EXECUTIVE DIRECTOR
SACRAMENTO, CALIFORNIA

regarding the Bay Area Air Quality Management District Board of Directors
Representative for the State Abrasive Blasting Advisory Committee. (5/12/89)

(5/12/89)
OWEN MARRON
EXECUTIVE SECRETARY/TREASURER
AFL-CIO OF ALAMEDA COUNTY
OAKLAND, CALIFORNIA

regarding the enforcement of the Unconditional Order for Abatement at Pacific Steel
Casting in Berkeley, California. (5/15/89)

(5/12/89)
JANANNE SHARPLESS
CHAIRWOMAN, ARB
SACRAMENTO, CALIFORNIA

enclosing agenda packet for the forthcoming meeting of the San Joaquin Valley Air
quality Study Policy Committee scheduled for May 19, 1989 at 12 noon in the ARB's
Executive Conference Room at 1102 "Q" Street in Sacramento. (5/15/89)

(5/13/89)

ROSE MARKOVICH

CONTRA COSTA COUNTY HEALTH SERVICES DEPARTMENT

MARTINEZ, CALIFORNIA

enclosing the Minutes of the Joint Contra Costa County Task Force and Bay Area Air Quality Management District Meeting on I.T. Corporation. (5/15/89)

(5/11/89)

SENATOR JIM NIELSEN

CALIFORNIA STATE SENATE - FOURTH DISTRICT

SACRAMENTO, CALIFORNIA

regarding the establishment of high occupancy vehicle (HOV) lanes approaching all state-owned toll bridges in the Bay Area and toll-free access for HOV's during weekday commute hours. (5/16/89)

SET PUBLIC HEARINGS

The APCO's report entitled, Setting of Public hearings - Conflict of Interest Statement, dated May 5, 1989, was presented:

AMENDMENTS TO REGULATION 8, RULE 12 - *Paper, Fabric and Film Coating Operations*: to be set for June 21, 1989.

AMENDMENTS TO REGULATION 8, RULE 23 - *Coating of Flatwood Paneling*: to be set for June 21, 1989.

ADOPTION OF DISTRICT BUDGET - to be set for June 21, 1989

ADOPTION OF REGULATION 8, RULE 46 - *Marine Vessel to Marine Vessel Loading (Lightering)*: to be set for July 12, 1989.

AMENDMENTS TO REGULATION 3 - *Fees Pertaining to Public Agencies*: to be set for July 12, 1989.

Director Ogawa moved the adoption of the above Consent Calendar items; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, CORICA, DAVIS, DIRIDON, ESHOO, HARBERSON, HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, GONZALEZ, McPEAK

**ACCEPTANCE OF PROPOSED 1989-90 BUDGET
AND REFERRAL TO COMMITTEES FOR REVIEW**

The APCO's report entitled, Acceptance of Proposed 1989-90 Budget, dated May 10, 1989, was presented. Director Aramburu moved the Proposed 1989-1990 Budget be referred to Committees for review; seconded by Mr. Ogawa; carried on roll call.

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
CORICA, DAVIS, DIRIDON, ESHOO, HARBERSON, HUGHAN,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, GONZALEZ AND McPEAK.

Mr. Feldstein reported the meeting dates for the Committees are as follows: The Personnel Committee will meet on May 24, 1989 and the Budget & Finance Committee will meet on June 1, 1989.

Director Britt arrived at 9:45 A.M.

**DISCUSSION AND APPROVAL OF RESOLUTION
ON POLICY ISSUES RELATED TO TRANSPORTATION FUNDING**

The APCO's report entitled, Resolution on Policy issues Relating to Transportation Funding, dated May 10, 1989 was presented.

Mr. Feldstein stated at the last meeting, the Board discussed a proposal submitted by Director McPeak relative to providing incentives to local cities and counties if any gas increase goes through for transportation; the attached Resolution provides that if there is a bill which increases gas taxes and it provides for transportation funding, there be incentives to local cities and counties to adopt Air Quality Elements and Transportation Control Elements as an incentive to receive these funds. After a brief discussion, Director Cooper moved the adoption of the Resolution, seconded by Director Corica; carried on roll call.

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DAVIS, DIRIDON, ESHOO, HARBERSON,
HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: GONZALEZ, McPEAK.

Adopted Resolution No. 1866, *In the Matter of Endorsing Certain Policies Relative to Transportation Funding.*

**DISCUSSION OF LETTER TO SUPERVISOR CAMPBELL
FROM NEIGHBORS FOR CLEAN AIR REGARDING ODOR PROBLEMS**

Reviewing the Neighbors for Clean Air letter to Director Campbell and Members of the Board of Directors, dated April 27, 1989, Chairperson Wilson indicated there were several speakers and invited them to speak:

Eleonore Johnson
Neighbors for Clean Air
Berkeley, California

distributed a package of information to the Board which included the ordering language of the December 13, 1984 Unconditional Order for Abatement, the Public Nuisance Enforcement Criteria, dated October 6, 1987, excerpts from the February 2, 1989 transcript of the public hearing on Pacific Steel Casting, and suggestions regarding complaint and enforcement policy in the Pacific Steel Casting case, submitted by Neighbors for Clean Air, dated May 1989. Ms. Johnson discussed problems on how the District staff handled complaints; the length of time one has to wait for a field inspector to show up and confirm the complaint; that this was the longest running odor nuisance case before the District and the problem with odors has been going on since 1981.

She reviewed the portion of the transcript with respect to categorizing the odors as light and fleeting by the District Inspectors despite evidence to the contrary. She stated that if the District was aggressively pursuing a solution to the Pacific Steel Casting situation it would take the Unconditional Order for Abatement more seriously; that the Order was issued only after residents proved a nuisance existed many times over for several years; that now the District wants proof again that a nuisance exists before any enforcement action would be taken. Ms. Johnson pointed out that from November 1987 to November 1988 there were over 200 complaints against Pacific Steel Casting, 50 of them having been confirmed; that the District took no significant action until the Hearing Board learned of the matter by chance.

Ms. Johnson reviewed the interpretation of the Health and Safety Code 41700 with respect to only one complaint needed regarding damage to business or property; that Duck's Nest is a business that is suffering as the parents do not want their children there because of the smell; that when challenged by the Hearing Board, Counsel for the District stated that this refers to physical damage to property; She stated that Neighbors for Clean Air have four requests as follows: 1) that the District take enforcement action following any confirmed complaint; 2) that only one complaint from a business regarding interference with the operation of the business be necessary to prove a public nuisance; 3) that inspectors be allowed to confirm complaints from a reliable complainant even if the complainant is not able to be physically present at their home by the time the inspector arrives; and 4) that inspectors allow each unrelated adult at any site to make their own separate complaint.

Janice Schroeder
Neighbors for Clean Air
Berkeley, California

Ms. Schroeder reiterated that Pacific Steel Casting is the longest running case the District had dealt with; that inspite of 200 complaints the Legal and Enforcement Divisions did not take any action; and that Neighbors for Clean Air had to hire a lawyer to file an Injunction against Pacific Steel Casting before the District also filed an injunction. She discussed the fact that she knows of many people who no longer call the District because they have been intimidated by inspectors, encouraged by inspectors to ease up and give Pacific Steel Casting a break, and that the process is too frustrating and time consuming. Ms. Schroeder requested that the District use a vigorous approach when bag samples are taken by the Pacific Steel Casting Odor Consultant, Mr. Duffy, and requested that duplicate samples be taken by the District and tested for odor content as well as toxicity. She stated the current policies, interpretations and actions of the Enforcement and Legal Division has put the burden on the citizens where it does not belong and requested that the Board do what they could to rectify the situation.

Amy Skewes-Cox
Neighbors for Clean Air
Berkeley, California

Ms. Skewes-Cox made a presentation on the health issues, stating in March 1989, ENSR Health Sciences completed a screening assessment of ambient air for Pacific Steel Casting; that the conclusion stated that exposure to the concentrations of 20 substances measured by ENSR would not pose a chronic health hazard to members of the surrounding community. She stated that Neighbors for Clean Air reviewed the ENSR report and found two major flaws. The first being a safety factor was not applied as it related to Threshold Limit Values; and the second was that the study failed to identify formaldehyde and chromium as probable human carcinogens. In conclusion, she stated that Neighbors for Clean Air is requesting a complete health risk assessment be done on Pacific Steel Casting before the Winter of 1990 to determine the health risk associated with the facility.

Robert Twiss
Neighbors for Clean Air
Berkeley, California

Mr. Twiss discussed the geography and meteorology of the situation; with the use of a map, he showed how widespread the problem is. He stated that Neighbors for Clean Air had received a computer printout of complaints received by the District and it was found there were three missing complaints in just one month; that District staff was asked to explain the discrepancy but no response has been received to date. He explained the meteorological problem with respect to the wind coming from the west and fanning out as it hits the Berkeley hills; that the wind shifts direction, and an odor called in would dissipate by the time the inspector came to confirm it. He discussed concerns that Regulation 7 is not being used; that this is a process whereby the District can take its own air samples and verify its own complaints; that there is also a procedure whereby a complainant can verify their own complaint by tracking the odor to the source. He stated there is concern about there being no feedback or action; that there is no indication that fines have been levied recently. He stated, in conclusion, he hoped the Board would take some action and direct staff to look into these concerns.

Daniel V. Phelan
Bay Area League of Industrial Associations (BALIA)
San Francisco, California

Mr. Phelan stated that BALIA is not a party to this and Pacific Steel Casting is not a member of BALIA. He stated industry is interested in the odor problem; that industry agrees if the public thinks something is serious, then it is also serious to the industry involved; that industry wants to establish communication with people and encourage their neighbors to talk to them directly; that this has been successful in many areas and that communication is important. In conclusion, he stated that he agreed with what Dr. Beard reported at the last Board meeting and that odors are becoming more and more important.

Director S. Campbell reported that Mr. Owen Marron, Executive Secretary/Treasurer, AFL-CIO of Alameda County had indicated he had hoped to be here to make a presentation; that even though he was not here, a letter has been received from him with respect to enforcing the Unconditional Order for Abatement in the Pacific Steel Casting matter.

Mr. Feldstein stated staff would review the history of the case and introduced Mr. Lawrence G. Chaset. A chronology of events entitled, History of District Enforcement Action Pacific Steel Casting Company was distributed to the Board. Mr. Chaset reviewed the fact that 45 odor nuisance citations were issued to Pacific Steel Casting and that fines had been paid; that two other violation notices have been issued in the last couple of months but have not yet been settled. Mr. Chaset reviewed the history with respect to the initial response to the problem; the hearings; and the different Orders issued by the Hearing Board.

In response to Director Eshoo, Mr. Chaset stated that there were continued odor nuisance problems; that the company installed a carbon adsorption system that it felt would resolve the problem; that the Hearing Board issued an Unconditional Order in December 1984 because of continuing complaints from the neighbors. He stated in the latter part of 1987, the District started getting complaints again; that there had not been any single day where there were five confirmed complaints; that the Hearing Board held two informational hearings early this year; that the public testified and, the District stated they would take further enforcement action. Mr. Chaset stated that an Injunction has been filed in Superior Court; that the parties are close to an agreement; that the company will be spending over a million dollars for further studies and controls to eliminate the odor nuisance from the Berkeley community.

In response to Director Aramburu, Mr. Feldstein stated the Bates Bill did not pass, but there is a bill now that would authorize the APCO to suspend the operating permit of a company if there are ten complaints in a 90-day period. Mr. John Powell added there was a bill a number of years ago that specifically required the District to adopt Regulations directly towards identifiable sources of odors; that this is the basis for adoption of Regulation 7.

Mr. Chaset stated that during the period of September 1984 when the problem had reemerged at Pacific Steel Casting, the District did modify the confirmation procedure and the policy says this can be done on a case by case basis; that during the latter part of 1984, the District did use a lower threshold of complaint confirmation.

Mr. Powell explained the legal ramification on actions taken on the basis of Section 41700 of the Health & Safety Code; that this is referred to as the public nuisance law; that the language states there be a considerable number of persons who have been annoyed or injured. He reviewed a case whereby the air pollution law was challenged in

court; that it was upheld as the court indicated there were a considerable number of persons affected. He stated it has to be established there is a nuisance, it is determined the person being charged is responsible for the nuisance, and there is a need to track the odor to the source. He stated the courts are willing to impose fines, but not willing to shut a company down; that at the Hearing Board proceedings, there were a number of people that indicated they did not want Pacific Steel Casting to shut down but wanted the nuisance to be taken care of. In response to Director Nicolopoulos, Mr. Powell indicated that the cause of the odors has been determined but that the chemical compounds have not been identified.

Mr. Feldstein stated Pacific Steel Casting has three plants; that the "burning pot handles" smell was determined to be the original major problem; that the chemical composition cannot be determined; that the plant was put on the carbon adsorber and this source of odor has been minimized. He stated people are now complaining about the other two sources of odor. Responding to Director Eshoo, Mr. Feldstein stated the District would provide the Board with information on how the Health & Safety Code is presently enforced. After further discussion, Director Aramburu made a motion to 1) have staff continue their vigorous pursuit of the court action; 2) to review the changes and procedures that have been outlined by the citizens; 3) to give the Board an analysis of the legislation with the objective of supporting it if it is felt it will strengthen our hand; and 4) to have staff look at how it has responded to complaints and possibly be more sensitive to them; seconded by Director Eshoo.

In discussion it was determined that the District could have people go to the location, but if the case was going to go to court the public nuisance aspect would have to be tied in whereby there are complaints from neighbors and there is the existence of odors at the fence line. In response to Director Cooper, Mr. Chaset explained the difference between this case and the Hayward case; that at Hayward, there was a continuing low level combustion product that was an identifiable chemical; that it was not a continuing series of problems; that it was sporadic and happened a couple of times a month; that the company had to put better abatement equipment on its stack and stop using the offending compound.

Mr. Chaset stated that Pacific Steel Casting was bringing in a top odor person; that the company would be running a lab analysis on compounds; that the District lab will be running parallel samples; that once these had been identified and quantified, the consultant will do a specific study to control the odor; this will then be presented to the District and will be implemented; that it will take about a year to do this work. He stated this should resolve the problem in the community.

Director Davis stated he would like clarification on the understanding of damage to business; that he was concerned the staff relaxation of confirmation of five complaints was not followed in this case; that after eight years, some relaxation of the five complaints should have happened; that he would like this as part of the motion and the requirement of the five confirmed complaints be relaxed in this specific instance.

The motion was then restated by Director Aramburu as follows: 1) that staff would vigorously pursue the pending litigation; 2) that staff would review the Neighbors for Clean Air recommendation in terms of the procedural issue; 3) that staff would provide an analysis of the pending legislation to determine if the Board should support it or seek modification to it to strengthen Section 41700 of the Health and Safety Code; 4) staff to review the reporting procedures currently employed by the staff to receive and act upon citizen's complaints; 5) to review the study referred to by Ms. Skewes-Cox, if legally

possible; 6) to intensify the technical research to identify this specific odor; and 7) to review the definition of damage to business; the motion was seconded by Director Eshoo; there being no further discussion, the motion carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DAVIS, DIRIDON, ESHOO, HARBERSON,
HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: GONZALEZ, McPEAK.

Staff was directed to report back on the above motion in one month.

REPORT OF AIR POLLUTION CONTROL OFFICER

PETER HESS, DEPUTY AIR POLLUTION CONTROL OFFICER

Mr. Hess reported that at the Board meeting of June 7, 1989 there will be three important items: 1) the staff will present a report on the emissions reduction from pesticides; 2) that there is an important public hearing on auto refinishing; and 3) three of the coating rules on metal and plastic parts will be amended.

CHAIRPERSON'S REPORT

SUSANNE WILSON

Chairperson Wilson appointed the following Board members to the Nominating Committee: Albert Aramburu, Edward Campbell, Sunne McPeak, Gus Nicolopoulos, and herself as Chair. Director Ogawa moved the acceptance of the Nominating Committee as presented by Chairperson Wilson; seconded by Director S. Campbell; carried.

- - -

Chairperson Wilson stated Director Aramburu has been meeting with CBE and the Sierra Club and will be giving a report at the next Board meeting.

Chairperson Wilson announced that on May 31, 1989 both the Nominating Committee and the Executive Committee will be meeting at 9:30 A.M. and 10:00 A.M. respectively.

BOARD MEMBERS' COMMENTS

Director Clevenger questioned the non-attainment days for April; Mr. Hess responded there had been very hot weather; that there was an excess on April 9 of the Federal Air Quality Standards; that this was the result of the unusual weather. Chairperson Wilson stated that it is the total for the year should be taken into account.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, June 7, 1989, 939 Ellis Street, San Francisco, California.

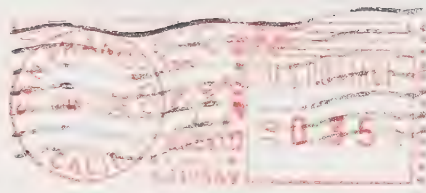
The meeting adjourned at 11:25 A.M.

Respectfully submitted,

Mary Romaidis
Deputy Clerk of the Boards

MR:lmm


BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

A1581
June 7, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, JUNE 7, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

JUN 23 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SUSANNE WILSON,
CHAIRPERSON
ALBERT ARAMBURU
HARRY G. BRITT
EDWARD R. CAMPBELL
SHIRLEY J. CAMPBELL

PAUL L. COOPER
CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
ANNA G. ESHOO
JIM GONZALEZ

JIM HARBERSON
ROBERTA H. HUGHAN
SUNNE McPEAK
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

MARTHA CLEVINGER

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PhD

JACK C. OPPENHEIMER

DANIEL V. PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
DAN BELIK
ENFORCEMENT SPECIALIST
HULAN F. BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
VICKI DVORAK
ENFORCEMENT SPECIALIST
JAMES GUTHRIE
ENFORCEMENT SERVICES MANAGER
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER

CAROL BRADLEY
CLERK OF THE BOARDS

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIRECTOR OF PI&E
TOM PERARDI
DIRECTOR OF PLANNING
JOHN F. POWELL
LEGAL COUNSEL
RONALD RAIMONDI
FINANCE MANAGER
JOHN A. SWANSON
DIRECTOR OF PERMIT SERVICES

Chairperson Wilson called the meeting to order at 10:10 a.m.

**CLOSED SESSION TO DISCUSS LITIGATION AGAINST THE
DISTRICT PURSUANT TO GOVERNMENT CODE SECTION 54956.9**

Chairperson Wilson stated the Board had met in closed session from 9:30 a.m. until 10:10 a.m.; and would reconvene at the conclusion of the Regular Board Meeting.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced John Holtzclaw, PhD and Mr. Daniel V. Phelan.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF MAY 17, 1989

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(5/19/89)
WILLIAM CURTISS
SIERRA CLUB LEGAL DEFENSE FUND, INC.
SAN FRANCISCO, CALIFORNIA

regarding the District's June 30, 1989 deadline for providing the Metropolitan Transportation Commission with an estimate of necessary reductions in emissions from transportation sources. (5/22/89)

(5/19/89)

LAURENCE G. CHASET
SENIOR ASSISTANT COUNSEL
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SAN FRANCISCO, CALIFORNIA

requesting of Ms. Amy Skewes-Cox, Neighbors for Clean Air, Berkeley, California, a copy of the ENSR screening assessment of potential health hazards associated with emissions from Pacific Steel Casting Company in Berkeley, which was referred to at the Board of Directors Regular Meeting of May 17, 1989. (5/23/89)

(5/21/89)

AMY SKEWES-COX
NEIGHBORS FOR CLEAN AIR
BERKELEY, CALIFORNIA

enclosing a copy of the ENSR screening assessment of potential health hazards associated with emissions from Pacific Steel Casting Company in Berkeley, which was cited at the Board of Directors Regular Meeting of May 17, 1989. (5/23/89)

(5/24/89)

KAREN WISHINGRAD
OAKLAND, CALIFORNIA

(5/15/89)

TAMY SUDDITH
MILL VALLEY, CALIFORNIA

(5/24/89)

ELLEN FISHBURN
OAKLAND, CALIFORNIA

(6/1/89)

NEVA NAGLER
PALO ALTO, CALIFORNIA

(5/28/89)

SANDRA K. LAWRENCE
MORAGA, CALIFORNIA

encouraging the District to adopt additional stationary source control measures, transportation systems management plans and a more stringent Inspection & Maintenance Program. (5/26/89)

(5/31/89)

CALVIN E. WONG
VICE-PRESIDENT OF FINANCE
PACIFIC STEEL CASTING COMPANY
BERKELEY, CALIFORNIA

requesting the Board agendaize for discussion the odor problem associated with Pacific Steel Casting in Berkeley. (6/1/89)

(5/23/89)

THERESE WATKINS
BAY VISION 2020 STEERING COMMITTEE
METROPOLITAN TRANSPORTATION COMMISSION
OAKLAND, CALIFORNIA

enclosing a package of Steering Committee materials. (5/31/89)

(5/24/89)
DOUGLAS HENDERSON
EXECUTIVE DIRECTOR
WESTERN STATES PETROLEUM ASSOCIATION
GLENDALE, CALIFORNIA

enclosing Volume I of a three volume report entitled, TRANSPORT OF ACIDIC SPECIES FROM THE SAN JOAQUIN VALLEY TO THE SIERRA NEVADAS, submitted in connection with the air quality study in the San Joaquin Valley. (5/26/89)

(5/22/89)
NEIL GENDEL
CONSERVATION CHAIR
THE SAN FRANCISCO GROUP OF THE SIERRA CLUB
SAN FRANCISCO, CALIFORNIA

regarding implementation of various programs to reduce air pollution. (5/22/89)

(5/30/89)
BAY VISION 2020
SUSANNE WILSON, CHAIR, BAAQMD
ROD DIRIDON, CHAIR, MTC
WARREN HOPKINS, PRESIDENT, ABAG
OAKLAND, CALIFORNIA

announcing an agreement with the Regional Issues Forum (RIF) group that will allow a co-sponsorship of the Bay Vision 2020 process. (6/5/89)

(6/1/89)
WILLIAM CONWAY
EXECUTIVE DIRECTOR
CALIFORNIA AUTOBODY ASSOCIATION
SACRAMENTO, CALIFORNIA

submitting the concerns of the California Autobody Association over the proposed Rule 45 of Regulation 8 regarding automobile coating operations. (6/5/89)

(6/1/89)
JOHN HOLTZCLAW
SAN FRANCISCO BAY CHAPTER
SIERRA CLUB

stating the Sierra Club has endorsed AB 1130 (Sher) to allow the district to impose fees on auto registrations for the purpose of funding programs to reduce air pollution. (6/5/89)

(6/89)

ASSOCIATION OF BAY AREA GOVERNMENTS
OAKLAND, CALIFORNIA

enclosing the Agenda for the Bay Area Air Quality Joint Technical Staff meeting scheduled for Thursday, June 15, 1989 at 10:00 a.m. at the MetroCenter Conference Room 102-A, 101 Eighth Street, Oakland, California.

(5/24/89)

IGNACIO DeLaFuente
INTERNATIONAL UNION REPRESENTATIVE
GLASS, MOLDERS, POTTERY, PLASTICS & ALLIED WORKERS
AFL-CIO, CLC
MEDIA, PENNSYLVANIA

submitting commentary on the odor nuisance problem associated with the Pacific Steel Casting facility in Berkeley, California. (6/1/89)

REFUNDS

The APCO's report entitled, Refunds, dated May 31, 1989, was presented.

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, dated May 31, 1989, was presented.

SET PUBLIC HEARING FOR JULY 19, 1989 TO CONSIDER ADOPTION OF A PM₁₀ COMMITTAL SIP FOR SANTA CLARA COUNTY

The APCO's report entitled, Set Public Hearing to Consider Adoption of PM₁₀ Committal State Implementation Plan, dated May 31, 1989, was presented.

DISTRICT AUDIT REPORT FOR FISCAL YEAR 1987-88

The APCO's report entitled, District Audit Report for Fiscal 1987-1988, dated May 31, 1989, was presented.

TRANSFER OF FUNDS TO UPGRADE COMPUTER

The APCO's report entitled, Transfer of Funds to Upgrade Computer, dated May 31, 1989, was presented.

Adopted **Resolution No. 1871**, *In the Matter of Approving a Transfer of Funds from the Reserve for Computer Equipment and Authorizing the Air Pollution Control Officer to sign Any Related Purchase Orders.*

Director Ogawa moved the adoption of the above Consent Calendar items; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, COOPER, CORICA,
DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN,
McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CLEVENGER.

Chairperson Wilson announced that the Board would move the two public hearings to this point on the agenda in order to accommodate the standing room only crowd that was present to participate in the hearings.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8,
RULE 45 REGARDING AUTO REFINISHING OPERATIONS**

Chairperson Wilson opened the public hearing at 10:13 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Guthrie presented the APCO's report entitled, Public Hearing on Proposed Regulation 8, Rule 45, Motor Vehicle and Mobile Equipment Coating Operations, dated May 31, 1989, stating the 1982 Air Quality Management Plan proposed 23 new control measures to reduce hydrocarbon emissions; that among those proposals in the plan was a rule to reduce volatile organic compound emissions by 50% through coating reformulation by 50%; that this proposed rule met and even surpassed the goals of the 1982 Air Quality Plan and would reduce emissions by 6.5 tons per day (TPD); and introduced Ms. Vicki Dvorak to present the staff's recommendations.

Ms. Dvorak stated the proposed Amendment would limit the emission of volatile organic compound (VOC) from the finishing or refinishing of motor vehicles and mobile equipment (e.g., street cleaners, golf carts, truck bodies and trailers); that approximately 2,000 facilities would be affected by the rule if adopted; and that the majority of the facilities are small to medium size (less than ten employees) autobody repair and paint shops. The emission reductions are expected to be achieved in three ways: 1) low VOC coatings; 2) transfer efficiency; and 3) improved methods for handling surface preparation and cleanup solvents.

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Ms. Dvorak concluded her presentation stating transfer-efficient equipment and low VOC automotive coatings would result in an emission reduction of 5.7 TPD upon final implementation in 1995; that the improved methods for handling surface preparation and cleanup solvent would result in .8 TPD emission reduction; and that there would be only minor economic impact on the industry.

The Board raised questions regarding provisions for custom paint applications; exemptions for businesses; the timelines established to meet the low VOC coating requirement; and the durability of the proposed transfer efficiency spraygun equipment.

Chairperson Wilson called for public testimony and the following individuals came forward:

BILL CONWAY
EXECUTIVE DIRECTOR
CALIFORNIA AUTO BODY ASSOCIATION
SACRAMENTO, CALIFORNIA

stated the Association supported the rule in general; that it was concerned with (1) the technology-forcing aspect of the rule; and (2) the unfairness to those 6,000 lawfully registered and complying facilities which would be forced to compete with those unregistered facilities continuing to use the old techniques and products at a lesser cost. Mr. Conway stated the Association was requesting the Board strongly support the licensing of automotive refinish distribution; and that it will require state legislation and leadership from the BAAQMD Board of Directors to work with the 45 other air pollution control districts in California, the ARB, and industry.

The Board discussed how they might encourage all members of the industry participate in the permitting process; and Chairperson Wilson directed the subject be referred for review to the Board's Legislative Committee. Legislative Committee Chairperson Hughan requested staff be prepared to provide the Committee with positions. Ms. Dvorak added that a provision for *prohibition of sale* was included in the rule and that it was a first stage.

ALAN RAMO
LEGAL DIRECTOR
CITIZENS FOR BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

stated the rule did meet the minimum requirement of the 1982 Air Quality Plan; that it produced the emission reductions required in a timely fashion, but could have been stronger. Referring to the fully implemented emission reductions rules of the States of New York and New Jersey, Mr. Ramo stated if Regulation 8, Rule 45 was adopted, it would be a credit to both the Board of Directors and District staff; and that it was an important measure for reducing emissions while further efforts were being made to attain the ambient air quality standards.

ANDREW COOPER, MANAGER
REFINISHED TRAINING
PPG INDUSTRIES, INC. AND
CHAIRMAN
AUTO REFINISHED COALITION
NATIONAL PAINT AND COATINGS ASSOCIATION
TROY, MICHIGAN

stated Regulation 8, Rule 45 was environmentally responsible; economically logical; and although it was technology-forcing, it was technologically achievable within the proposed time frame. Mr. Cooper also complimented the staff for its hard work and cooperativeness; and added that Mr. Karl Schultz, Environmental Specialist, E.I. DuPont Company, Wilmington, Delaware, was in the audience and would be available to answer any technical questions which the Board might pose.

Various members of the Board thanked Mr. Cooper for his eloquent testimony, and Chairperson Wilson requested copies be distributed to the Board. Director Aramburu stated because there were no provisions for custom painting, he suspected that a bootleg industry would thrive and requested staff be directed to provide a report (one year after implementation) on the effect the rule had on all of the paint industry. Chairperson Wilson so directed.

Director McPeak stated paint distributors might have a good approximation of the number of users; and that there was a need for follow-up legislation requiring licensing of those facilities which were not members of the NPCA. Director Davis offered that there was an additional need to contact local cities and counties to find out who had a business license for spot painting or auto body repair, after which the District could inform the affected parties of the rule.

Director Eshoo moved the public hearing be closed; seconded by Director Ogawa; carried.

Director Eshoo moved adoption of the resolution; seconded by Director Gonzalez; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, COOPER, CORICA,
DAVIS, DIRIDON, ESHOO, GONZALEZ, HUGHAN, McPEAK,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, CLEVINGER, HARBERSON.

Adopted **Resolution No. 1869**, *In the Matter of Adopting Rule 45 of Regulation 8 Relating to Motor Vehicle and Mobile Equipment Coating Operations.*

Director Davis moved that the request to review legislation be referred to the Legislative Committee; seconded by Director Gonzalez; carried.

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULES 14, 19 AND 31 REGARDING METAL AND PLASTIC COATING OPERATIONS

Chairperson Wilson opened the public hearing at 11:20 a.m.; and Mr. Powell provided the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Belik reviewed the APCO's report entitled, Public Hearing to Consider Amendments to: Regulation 8, Rule 14, Surface Coating of Large Appliances and Metal Furniture; Regulation 8, Rule 19, Surface Coating of Miscellaneous Metal Parts and Products; and Regulation 8, Rule 31, Surface Coating of Plastic Parts and Products, dated May 31, 1989; stating the rules limited the emission of volatile organic compounds (VOC) from three similar surface coating industries and were drafted in response to EPA's Post-87 Ozone Policy requiring revision of existing rules as part of the State Implementation Plan (SIP).

Mr. Belik added that EPA had identified the following general discrepancies with regard to the provision in the existing rules: (1) Alternative Emission Control Plan, (2) Recordkeeping Requirements, (3) Small Business Provision, (4) Transfer Efficiency Credit, and (5) Laboratory Test Methods; that the proposed amendments addressed each of these discrepancies; that the rules had been reviewed through the District's workshop process; and the amendments would improve the clarity and enforceability of the rules and provide the minor emission reductions consistent with the District's role in reducing precursors to ozone.

Mr. Belik concluded that the cost to Bay Area industries to implement all the changes was not significant, and that all the State of California requirements for adoption of the proposed changes had been met.

There being no Board discussion, Chairperson Wilson called for public testimony and the following individual came forward:

NED KISTNER
TRIANGLE COATINGS
SAN LEANDRO, CALIFORNIA

stated he was representing PARLE, Program Advocating Responsible Legislation for the Environment (A Committee of the Golden Gate Paint and Coating Association); stating their goal was to address various Boards and urge them to adopt legislation that was environmentally sound and tolerable for their industry; that their two primary concerns were: (1) Statewide Uniformity - that it was extremely important the rule be applied uniformly both state- and, hopefully, nationwide; and (2) Technology Forcing- that there was concern within industry that dates and times would be set for implementing technology that was not yet available; and recommended the Board not adopt any technology-forcing rules at this time.

After discussion, Chairperson Wilson referred Mr. Kistner to a meeting with staff to discuss his concerns regarding 111, trichloroethylene.

Director E. Campbell moved the hearing be closed, and the resolution adopted; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, COOPER, CORICA,
DAVIS, DIRIDON, ESHOO, GONZALEZ, HUGHAN, McPEAK,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CLEVINGER, HARBERSON.

Adopted **Resolution No. 1870**, *In the Matter of Amending Rules 14, 19 and 31 of Regulation 8 Relating to Surface Coating.*

REPORT OF EXECUTIVE COMMITTEE

CHAIRPERSON WILSON

RESOLUTION IN SUPPORT OF AB 1130 (SHER)

Chairperson Wilson stated the Committee have met on Wednesday, May 31 to receive reports from staff regarding the Quarterly Report of Violation Settlements-First Quarter 1989, AB 1130 (Sher), and the Report of the Advisory Council.

Chairperson Wilson continued stating the California Clean Air Act of 1988 imposed a wide variety of additional duties on the District and granted additional powers in order to achieve the objectives of the Act. Assemblyman Sher has introduced a bill that would authorize an air district to impose a fee of up to \$4 on the renewal of vehicle registrations, to be collected initially by the Department of Motor Vehicles and then utilized by the District in its efforts to reduce air pollution; and that AB 1130 authorized the District to retain control over the disposition of the fee. Director Eshoo moved adoption of the resolution; seconded by Director Ogawa.

Director Eshoo stated she had endorsed the bill and had requested her Board of Supervisors in San Mateo County to add the item to their agenda at its next meeting, and that she would urge their support of the bill.

Director Diridon stated the Metropolitan Transportation Commission (MTC) Board of Directors, of which he is the Chairperson, was concerned about the disposition of the fees; and they had offered an amendment to AB 1130 to insure the funds were used exclusively for the implementation of the transportation control measures designed to make further progress toward attainment of the state and federal ambient air quality standards.

There was considerable discussion regarding the language in both AB 1130 and the proposed amendment, as well as of the interpretation of such language by the MTC Board; after which Director Aramburu suggested the matter be referred to the Legislative Committee and the MTC Board for review and reconsideration.

Director Eshoo stated she would amend her original motion to direct that a meeting between MTC and the District to discuss AB 1130 and the proposed amendment; accepted by the seconder, Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, COOPER, CORICA,
DAVIS, DIRIDON, ESHOO, GONZALEZ, HUGHAN, McPEAK,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CLEVINGER, HARBERSON.

Adopted **Resolution No. 1867**, *In the Matter of Urging Support for AB 1130.*

Director Gonzalez added that he had also recommended the Board of Supervisors of the City and County of San Francisco review AB 1130, and added that he would urge their support of the bill. Chairperson Wilson stated the Santa Clara County Board of Supervisors had also taken a stand to support the bill at its meeting yesterday.

REPORT OF THE ADVISORY COUNCIL

The APCO reported that the Executive Committee had also received a report from the Advisory Council on its activities for the past year; that they had recommended supporting alternative modeling aspects of land use and transportation options; and that the Executive Committee had directed a resolution be prepared endorsing the recommendation. Director Aramburu moved adoption of the resolution; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, COOPER, CORICA,
DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN,
McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CLEVINGER.

Adopted **Resolution No. 1868**, *In the Matter of Endorsing Recommendation of the Advisory Council Concerning Air Quality Modeling for Land Use and Transportation Options.*

REPORT OF PERSONNEL COMMITTEE

CHAIRPERSON COOPER

Director Cooper stated the Committee had met May 24 to discuss the proposed personnel requests for the 1989-90 budget; that the requests included new position classifications: Executive Assistant to the APCO; Enforcement Assistant; Inspection Zone Manager (2); Air Quality Modeler; Research Analyst; and Field Meteorologist Specialist; Reclassification: Assistant Counsel II to Senior Assistant Counsel; the vacant position of Advanced Project Adviser; and one salary adjustment for the Business Manager.

Director Cooper stated of the new position classifications, the Committee recommended approving the Enforcement Assistant, Field Meteorological Specialist, and the Research Analyst; that they recommended the Inspection Zone Manager position be rolled into existing classes where appropriate and not create another tier of management; and the Air Quality Modeler position not be created, but a second position of Operation Research Analyst be opened. The Committee had recommended the Executive Assistant to the APCO position was not necessary by a four to two vote; and that he would move the Board adopt the Committee's recommendations; seconded by Director Eshoo, carried.

REPORT OF BUDGET & FINANCE COMMITTEE

CHAIRPERSON DAVIS

Director Davis stated the Committee had met June 1 to consider the 1989-90 Proposed Budget; that they had completed their consideration, and a budget totalling \$19.6M had been proposed; adding that it may not be necessary for the District to transfer any monies from the General Reserve fund. Director Davis continued stating the Committee had approved 24 new positions; that a Senior Enforcement Specialist would be added to the hierarchy to assist the Inspections Manager; and that the Committee would review that position at the beginning of the next budget year to see if it needed to be reevaluated. Director Davis stated the Committee had also decided not to consider the proposed position of Executive Assistant to the APCO, determining that if the APCO could not find an alternative to resolve attending meetings in his stead, the Personnel Committee should consider the matter at a later date; and that the Committee had expressed concern that additional responsibilities for the APCO and staff would be created, with some of the proposed duties not necessary to reduce air pollution.

Director Davis stated the General Reserve had been reduced from \$5M to \$3.2M; that \$1.8M had been allocated for items that should due for completion this fiscal year, e.g. the building remodeling, office equipment and computer purchases.

Director Davis completed his presentation stating the Board should be concerned about new positions as the District comes into compliance with EPA standards, recommending that at a future point they examine the goals of the District to assure achievement; and stated he would move the Board accept the Committee recommendations; seconded by Director Eshoo; carried.

Mr. Feldstein reminded the Board that the public hearing regarding the budget would held at the Regular Board Meeting of June 21.

REPORT OF LEGISLATIVE COMMITTEE

CHAIRPERSON HUGHAN

Director Hughan stated the Committee had met this date prior to the Regular Board meeting; that the Committee had recommended supporting three Assembly Bills, one Assembly Joint Resolution, and opposing one Senate Bill. Director Hughan continued stating AB 1463 (Klehs) would provide tax credits to employees who did not receive subsidies for the cost of public transit passes; that AB 1920 (Lempert) would require the Insurance Commissioner, under specified circumstances, to order creation of a Joint Underwriting Association by January 1, 1991 to provide liability insurance for defined ridesharing arrangements; that AB 2036(Speier) would require driver education courses to include substantial information on traffic congestion, energy conservation, ridesharing benefits and facilities, and alternative modes of transportations, as well as increasing the smog check fee by \$1 to create a Rideshare for Clean Air Fund; and that Assembly Joint Resolution 26 (Klehs) would request the President and Congress to provide tax incentives for employers and employees to encourage ridesharing and the use of public transit. Director Hughan observed that each of these bills were transportation control measures designed to reduce air pollution.

Concluding her report, Director Hughan stated SB 12 (Green) would require non-attainment areas within the District to prepare and submit to the ARB a plan for attaining and maintaining ozone, carbon monoxide, sulfur dioxide or nitrogen dioxide standards; that the report would have to be submitted no later than June 30, 1991 and required an assessment of the cost-effectiveness of available and proposed control measures. Director Hughan stated the Committee had recommended opposing this bill because it would unnecessarily slow down the development and adoption of the Air Quality Plan and make the mandatory deadline even more difficult meet; and moved the Board approve the Committee recommendations; seconded by Director Eshoo; carried.

REPORT OF AD HOC COMMITTEE ON RESOURCE RECOVERY FACILITIES

CHAIRPERSON DIRIDON

Director Diridon stated the Committee had met May 25 and received a staff report regarding the Technical Advisory Committee (TAC); that staff member Ms. Ellen Linder had been elected Chairperson of the TAC; that they had met with the consultant, Brown, Vence & Associates and their subcontractor, Woodward-Clyde, on April 27; that the format for the primer would be question-and-answer, dividing it into various chapters on types of waste disposal and questions being posed that they felt local elected officials and the public would want answered. Director Diridon stated the consultant would spend the next one or two months preparing the answers to the 70+ questions; and that the TAC members would be providing the consultant with ideas on table graphics and color illustrations in order to make the primer a more readable document. Director Diridon noted that the Committee would next meet at 9:30 a.m., Thursday, June 22, 1989.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

REPORT ON EMISSION REDUCTIONS FROM PESTICIDES

Mr. Feldstein stated that in the interest of time he would request this item be put over to a future Board meeting.

REPORT ON SALE OF RED AND WHITE FLEET

Director Aramburu reviewed the draft letter he had proposed for Chairperson Wilson to send to the new owner of the Red and White Fleet encouraging a transit solution which would help to mitigate the Bay Area's transportation problem, as well as to reduce volatile organic compound emissions and thus improve air quality; and moved the Board approve the letter for the Chairperson's signature; seconded by Director S. Campbell; carried.

Director Nicolopoulos added that he was on the Rapid Water Transit Task Force which was chaired by Senator Quentin Kopp; that they were seriously looking at reviving ferries for commuter transportation; and that the new owner, Mr. Roger Murphy was considering enlarging the service.

CHAIRPERSON'S REPORT

SUSANNE WILSON

Chairperson Wilson reminded all Board members that those who would be attending the June 25-30, Air and Waste Management Association Conference in Anaheim, California to notify the Clerk; that she was seriously considering attending, but unfortunately would only be available on Wednesday, June 28; and that she too would notify the Clerk of her plans once they were finalized.

BOARD MEMBERS' COMMENTS

Director Hughan questioned staff as to whether the Connelly Hot Spots Bill included sewer plants; to which Mr. Feldstein responded it was his belief that it did.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, June 21, 1989, 939 Ellis Street, San Francisco, California.

**CONTINUATION OF CLOSED SESSION TO DISCUSS LITIGATION AGAINST
THE DISTRICT PURSUANT TO GOVERNMENT CODE SECTION 54956.9**

Chairperson Wilson reconvened the Closed Session at 12:10 p.m.

ADJOURNMENT

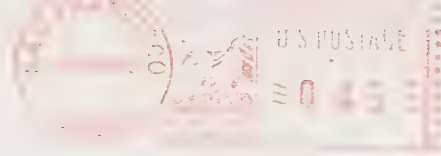
The Board reconvened to Regular Session and adjourned at 12:35 p.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB: lmm/jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst. of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

A1581
June 21, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING
9:30 A.M., WEDNESDAY, JUNE 21, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

JUL 17 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SUSANNE WILSON, CHAIR
ALBERT ARAMBURU
HARRY G. BRITT
EDWARD R. CAMPBELL
SHIRLEY J. CAMPBELL

MARTHA CLEVINGER
PAUL L. COOPER
OSBY DAVIS
ROD DIRIDON
ANNA G. ESHOO

JIM GONZALEZ
SUNNE McPEAK
GUS J. NICOLOPULOS
FRANK H. OGAWA
BOB WHITE

BOARD MEMBERS ABSENT

CHUCK CORICA

JIM HARBERSON

ROBERTA H. HUGHAN

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PhD

JACK C. OPPENHEIMER

KATHRYN SMICK, M.D.

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
DANIEL BELIK
ENFORCEMENT SPECIALIST
THOMAS F. BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN F. BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
VICKI DVORAK
ENFORCEMENT SPECIALIST
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER

TERESA GALVIN LEE
PUBLIC INFORMATION OFFICER
DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
TOM PERARDI
DIRECTOR OF PLANNING
JOHN F. POWELL
LEGAL COUNSEL
JOHN A. SWANSON
DIRECTOR OF PERMIT SERVICES
CAROL BRADLEY
CLERK OF THE BOARDS

Chairperson Wilson called the Closed Session to order at 9:30 a.m.

**CLOSED SESSION TO DISCUSS LITIGATION AGAINST THE DISTRICT
PURSUANT TO GOVERNMENT CODE SECTION 54956.9**

The Board adjourned its Closed Session at 10:17 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Drs. John Holtzclaw and Kathryn Smick.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF JUNE 7, 1989

DIVISION MONTHLY REPORTS

The following Division monthly reports were presented: Administrative Services - Appropriation Statement and Cash Position Ending April 20, 1989; and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period May 1-31, 1989.

COMMUNICATIONS

OSBY DAVIS, SECRETARY

The following communications were presented:

(6/5/89)
STEPHEN GAGNE
WOODSIDE, CA.

(6/8/89)
FRANCIS KELLY
SAN RAFAEL, CA.

(6/15/8)
VIRGINIA OSBORNE
SAN RAFAEL, CA.

urging adoption of (1) the air pollution control measures included in the 1982 Air Quality Plan; (2) additional control measures for industrial polluters; (3) tightening of existing regulations to remove exemptions and loopholes; and (4) augmentation of the Inspection & Maintenance Program.

(6/9/89)
SHARON SOUZA
DIRECTOR OF ACCOUNTING
MODERN MODE INCORPORATED
SAN LEANDRO, CA.

requesting Modern Mode be removed from the District list of companies emitting toxic wastes. (6/12/89)

(6/7/89)
JAMES P. PACHL
SIERRA CLUB OF NORTHERN CALIFORNIA
SACRAMENTO, CA.

enclosing "Memorandum to Selected Bay Area Elected Official and Public Officeholders" indicating the intent of the Sierra Club to file a lawsuit under the federal Clean Air Act against the EPA, ARB, MTC, BAAQMD and ABAG. (6/12/89)

(6/9/89)
RICHARD B. DeLONG
EXECUTIVE DIRECTOR
REDEVELOPMENT AGENCY OF THE CITY OF SAN MATEO
SAN MATEO, CA.

enclosing "Report Addressing the proposed Amendment to the Downtown Redevelopment Plan of the City of San Mateo Redevelopment Agency Regarding Eminent Domain." (6/13/89: *Transmitted to the Planning Division for commentary*).

(6/20/89)
THOMAS J. FERRITO
CHAIRPERSON
HEARING BOARD
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SAN FRANCISCO, CA.

submitting the request of the Hearing Board to comment on the District's enforcement policy with respect to odor complaints filed against Pacific Steel Casting Company, Berkeley, California. (6/20/89)

<p style="text-align: center;">APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH EMPLOYEES' ASSOCIATION</p>

The APCO's report entitled, Approval of Amended Memorandum of Understanding, dated June 14, 1989, was presented.

Adopted Resolution No. 1872, *In the Matter of Approving an Amended Memorandum of Understanding.*

SET PUBLIC HEARING

FOR AUGUST 2, 1989 TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 18, 22, 25 AND 28 REGARDING REFINERY OPERATIONS.

FOR AUGUST 2, 1989 TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 16, AND REGULATION 2, RULE 2 REGARDING DEGREASERS.

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, dated June 14, 1989, was presented.

Director Cooper moved the adoption of the above Consent Calendar items; seconded by Director Gonzalez; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON, ESHOO, GONZALEZ, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CORICA, HARBERSON, HUGHAN.

REPORT OF NOMINATING COMMITTEE AND ELECTION OF OFFICERS FOR 1989-90

CHAIRPERSON WILSON

Chairperson Wilson stated the Committee had met on Wednesday, May 31 to discuss the nominees for Board Officers for Fiscal Year 1989-90; that a motion had been made to move Vice-Chair Shirley Campbell and Secretary Osby Davis into the offices of Chairperson and Vice-Chairperson, respectively; that there was considerable discussion regarding the selection criteria for a new Board Secretary, which considered a Director's length of service on the Board, county representation, and political officership as either a county supervisor or city councilmember; and that the Committee unanimously recommended the appointment of Councilperson Paul Cooper as the Board Secretary for 1989-90. Director Diridon moved the Board accept the nomination; seconded by Director Eshoo; carried.

Chairperson Wilson continued her report stating the Committee had also discussed and unanimously dismissed the need for a permanent detailed record of the Nominating Committee meetings; and directed all future reports describe only the motion and the nominees.

Chairperson Wilson reviewed the significant actions of the District Board of Directors during her tenure as Chairperson which included: adoption of three new rules to significantly reduce ozone precursors--marine coating, marine loading and automobile refinishing; amendment of ten existing rules in order to strengthen the limitations on emission of ozone precursors; adoption of a rule to control emissions of hexavalent chromium - a toxic air contaminant; establishment of a program to adopt 18 additional ozone precursor contingency measures; direction of staff to review the emissions of, and institute an air monitoring program for, toxic air contaminants in North Richmond; approval of funding for composition of a resource recovery primer; and the publication of a comprehensive Toxics Emissions Inventory.

REPORT OF MEETING ON DISCUSSIONS WITH SIERRA CLUB AND CBE

Director Aramburu stated the special Ad Hoc Committee composed of Directors Davis, S. Campbell and himself had met on numerous occasions with members of the Sierra Club Legal Defense Fund (SCLDF), Citizens for a Better Environment (CBE), and District staff to discuss an alternative to filing the pending lawsuit; but that a compromise between the agencies was not obtained, and the suit had been filed.

PUBLIC HEARING TO CONSIDER ADOPTION OF DISTRICT BUDGET AND ACCOMPANYING RESOLUTION FOR 1989-90

Chairperson Wilson opened the public hearing at 10:26 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Feldstein presented his report entitled, Public Hearing to Consider Adoption of District Budget and Accompanying Resolution for 1989-90, dated June 14, 1989; stating both the Personnel and Budget & Finance Committees recommended adoption of the proposed budget as now submitted, with the final budget figure of \$19,449,603 totalling \$209,134 less than originally proposed by staff following modifications made by the two Committees. Mr. Feldstein stated that, once the necessary monetary transfers were made, the General Reserve Fund would total approximately \$3.6M; that the budget was necessary to implement and sustain the increasing efforts of the District to attain the air quality standards; and that he would recommend the Board adopt the 1989-90 District Budget.

Chairperson Wilson called for speakers and there were none.

Director E. Campbell moved the hearing be closed; seconded by Director Diridon; carried.

Director Davis moved that the budget and accompanying resolution be adopted, seconded by Director Cooper; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, DAVIS, DIRIDON, ESHOO, GONZALEZ, McPEAK,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CORICA, HARBERSON, HUGHAN.

Adopted **Resolution No. 1873**, *In the Matter of Approving the Budget for the Bay Area Air Quality Management District for the Fiscal Year Ending June 30, 1990 (FY 1989-90) and Various Related Actions Including Transfers of Funds, and Amending Salary Ranges and Fringe Benefits.*

<p>PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 12, REGARDING PAPER, FABRIC AND FILM COATING</p>
--

Chairperson Wilson opened the public hearing at 10:28 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Ms. Dvorak reviewed the APCO's report entitled, Public Hearing on Proposed Amendments to Regulation 8, Rule 12, Paper, Fabric and Film Coating, dated June 13, 1989; stating the proposed amendments were primarily administrative in nature; that staff anticipated minor emission reductions from the improved handling of clean-up solvents; and that no costs were associated with the proposed amendments which included (1) subjection of adhesives to the rule, (2) clarification of the flexible packaging material exemption, (3) deletion of the exemption for VOC emissions from the cleaning of coating line equipment, (4) addition of certain definitions, (5) clarification of Alternative Emission Control Plan (AECPP) language, (6) addition of compliance statement requirements, and (7) addition of standards for surface preparation and clean-up solvent. Ms. Dvorak concluded her presentation stating the amendments would correct the State Implementation Plan (SIP) deficiencies perceived by the EPA; and that staff recommended adoption of the proposed amendments.

Chairperson Wilson called for public testimony and there was none.

Director Aramburu moved the public hearing be closed; seconded by Director E. Campbell.

Director Aramburu moved adoption of the proposed amendments; seconded by S. Campbell; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, DAVIS, DIRIDON, ESHOO, GONZALEZ, McPEAK,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CORICA, HARBERSON, HUGHAN.

Adopted **Resolution No. 1874**, *In the Matter of Amending Rule 12 of Regulation 8 Relating to Paper, Fabric and Film Coating.*

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8,
RULE 23 REGARDING COATING OF FLAT WOOD PANELING**

Chairperson Wilson opened the public hearing at 10:33 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Belik reviewed the APCO's report entitled, Public Hearing to Consider Amendments to Regulation 8, Rule 23, Surface Coating and Flat Wood Paneling and Wood Flat Stock, dated June 9, 1989; stating the EPA had deemed the original rule deficient with regard to the following provisions: (1) VOC standards for inks, (2) Alternate Emission Control Plan, (3) recordkeeping requirements, and (4) laboratory test methods; that the proposed amendments would correct those deficiencies and both clarify and expand the applicability of the rule. Noting that one recently-expanded facility was now subject to the rule and had incorporated a compliance schedule, while another facility already subject to the rule would remain unaffected by the amendments, Mr. Belik concluded the projected VOC emission reductions totalled 43 tons per year; and that staff was recommending adoption of the proposed amendments.

Chairperson Wilson called for public testimony, and there was none.

Director Diridon moved the public hearing be closed; seconded by Director Aramburu; carried.

Director Aramburu moved adoption of the amendments; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, DAVIS, DIRIDON, ESHOO, GONZALEZ, McPEAK,
NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CORICA, HARBERSON, HUGHAN.

Adopted **Resolution No. 1875**, *In the Matter of Amending Rule 23 of Regulation 8 Relating to the Coating of Flat Wood Paneling and Wood Flat Stock.*

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

REPORT ON EMISSION REDUCTIONS FROM PESTICIDES

Mr. Feldstein reviewed his report entitled, Report on Emission Reductions from Pesticides, dated June 14, 1989; stating that during the special Ad Hoc Committee meetings to discuss possible alternatives to the lawsuit filed by CBE, CBE had raised the issue of control of emissions from pesticide usage as part of the District's 1982 Air Quality Plan commitment, and the perceived existence of jurisdictional questions between the District and the ARB.

Mr. Feldstein continued by describing the background of the pesticide measure; stating a controversy had developed over which agency had regulatory jurisdiction; and in order to solve the problem, the ARB had subsequently established a Pesticides Task Force which included the local air quality management districts, EPA, ARB and the Department of Food and Agriculture.

Mr. Feldstein further noted staff had transmitted a report to EPA on May 19 regarding the pesticides control measure, stating EPA had not yet completed its evaluation. Observing that the emission reductions anticipated from the proposed control measures have already been substantially realized, Mr. Feldstein added that continued research and study of pesticides was being conducted by EPA, ARB and the California Department of Food and Agriculture; and the process would eventually lead to reformulations of regulatory controls which would further reduce emissions from pesticides.

STAFF REPORT ON ODOR

Mr. Feldstein reviewed his report entitled, Report Regarding District Complaint Confirmation and Enforcement Policy Concerning Pacific Steel Casting Company, with attachments, dated June 14, 1989, stating at its May 17 Regular meeting, the Board had directed staff to address seven issues: (1) vigorous pursuit of pending litigation against Pacific Steel Casting Company (PSC); (2) review of the Neighbors for Clean Air (NCA) recommendation to modify the complaint policy; (3) analysis of pending legislation to determine if the Board should support, or seek modification, to strengthen Section 41700 of the Health & Safety Code; (4) review of the reporting procedures currently employed by Inspectors to receive and act upon complaints; (5) review of the ENSR study referred to by Ms. Skewes-Cox, if legally possible; (6) intensification of technical research to identify the specific odor involved, and (7) to review the legal definition of "damage to business".

Mr. Feldstein reviewed Attachment A, Stipulated Settlement Agreement and Consent Order for Injunction and Attachment B, Response to Request for Neighbors for Clean Air Regarding District Complaint Confirmation and Enforcement Policy Concerning Pacific Steel Casting Company, stating the signatories to the Court Order which was filed last week included the NCA Counsel, PSC, the PSC Employee's Union and the District; that NCA had expressed dissatisfaction with the District complaint confirmation and enforcement policy, and had requested four specific enforcement policy changes in with respect to PSC. Mr. Feldstein stated the following actions had been taken:

- (1) In response to NCA's request that the District take enforcement action following any single confirmed complaint against PSC, staff had filed a Complaint for Injunction in Alameda County Superior Court and had successfully obtained the Consent Order against PSC; adding that the "Rule of Five" confirmed complaints should be abrogated in determining whether or not to issue a Violation Notice for an odor episode on any given day;
- (2) In response to NCA's request that a single complaint from a business be sufficient to prove a public nuisance, it had long been the District's policy that, in appropriate circumstances, a nuisance complaints from one business was sufficient to trigger enforcement action;

- (3) In response to NCA's request that District Inspectors be allowed to confirm complaints from a reliable complainant even if the complainant was not at home by the time the Inspector arrived, a modification in the Enforcement Division Standard Complaint Confirmation Protocol had been made, and that face-to-face confirmation of complaints against PSC would not now be required in all cases; and
- (4) In response to NCA's request that each unrelated adult at any site be allowed to register a separate confirmable complaints, staff had reaffirmed the District's policy to consider all complaints from a single household to constitute one complaint for purposes of the "Rule of Five".

Mr. Feldstein reviewed Attachment C, AB 1737 (Friedman), which would authorize an APCO to suspend an Operating Permit if a there had been five or more public nuisance Violation Notices issued within a 90-day period; and added that the proposed Bill would strengthen Section 41700 of the Health and Safety Code and required no further modification.

Mr. Feldstein referred to Attachment D, Potential Health Risk from PSC, dated May 24, 1989, stating the report concluded the ENSR report entitled "A Screening Assessment of Ambient Air," was inadequate; that there was no evidence to suggest that the emissions from PSC represented an eminent threat to public health; and that it was inappropriate for the District to allocate further resources on monitoring or detailed risk assessment.

Mr. Feldstein noted the Consent Order for Injunction required PSC to conduct a detailed technical program in an attempt to identify and abate the offending odor about which the residents of West Berkeley complained; and that the District would closely monitor the work in connection with supervising PSC's ongoing compliance with the Consent Order. Mr. Feldstein added that staff's interpretation of "damage to business" referred to quantifiable dollar losses, and requested Mr. Laurence Chaset, Assistant District Counsel, to review the Court Order. At the conclusion of Mr. Chaset's detailed clarification, Chairperson Wilson called for public testimony and the following individuals came forward:

ROBERT TWISS
1200 MASONIC AVENUE
BERKELEY, CALIFORNIA

stated the report from District staff was misleading, and wrongly gave the impression that the situation was copacetic; and that the actions taken against PSC by the District did not constitute rigorous enforcement.

Chairperson Wilson interposed that fairness required granting all the speakers an equal opportunity to speak, and called for Board discussion on how the matter might be handled in light of the number of speakers. Director Aramburu stated the items should be agendized for Board review since Mr. Twiss was suggesting that the remedies offered thus far were insufficient; and after discussion, Mr. Diridon moved that staff be directed to discuss with NCA and PSC the proposed procedural remedies and report to the Board at a later meeting. Director Eshoo requested the report clearly delineate the three positions to help the Board bring about a consensus, and seconded the motion which carried unanimously.

AMY O. SKEWES-COX
NEIGHBORS FOR CLEAN AIR
BERKELEY, CALIFORNIA

referred to her letter dated June 21, 1989 stating she hoped the Board would specifically review the last paragraph in which a timeline was discussed; stating she supported the idea of an NCA joint meeting with staff; and requested the Board hold another public hearing so that NCA could air their concerns.

ELEONOR JOHNSON
NEIGHBORS FOR CLEAN AIR
BERKELEY, CALIFORNIA

referred to her two-page hand-out dated June 21, 1989 which outlined that over 90% of the Violation Notices issued to PSC had been enforced by fines of \$250—which was 1% of the amount allowed by the law; that the District's most severe enforcement action had been to fine PSC \$3,000—which represented 12% of what was legally allowed; and that the low penalty assessments sent a lax message to the industry about the District's concerns.

Chairperson called Ms. Janice Schroeder, NCA, who chose to hold her comments until the next public hearing.

CALVIN WONG
PACIFIC STEEL CASTING
BERKELEY, CALIFORNIA

stated PSC would willingly meet with the District and NCA; that he had wanted to respond directly to the statements made by NCA at the May 17 Board meeting; and that the characterizations the Board had heard did not constitute a balanced picture.

RICHARD DUFFEE
PACIFIC STEEL CASTING
BERKELEY, CALIFORNIA

referred to his report entitled, Comments of Bay Area Air Quality Management District Odor Regulation and Enforcement Procedures, dated June 5, 1989 stating the District had the best and most explicit odor regulation and enforcement program in the country; that staff faced great difficulties in enforcing the odor nuisance regulation on the basis of face-to-face complaint confirmations; and suggested staff review the request to accept non face-to-face complaints and also consider establishing an ambient air standard which would trigger enforcement of nuisance complaints.

IGNACIO DE LA FUENTE AND CALVIN KING
LABOR UNION 164B
UNION OF GLASS, MOLDERS, POTTERY, PLASTICS & ALLIED WORKERS
AFL-CIO, CLC
MEDIA, PENNSYLVANIA

chose to present their comments at the next hearing on PSC.

STEVEN FINACOM
UNIVERSITY OF CALIFORNIA
BERKELEY, CALIFORNIA

stated the University of California University Village property was located near PSC in Albany; that the University was developing a plan to upgrade the housing and to improve the general quality of life; and desired a prompt resolution of the matter.

JONATHAN LEVINE
PRIVATE CITIZEN
ALBANY, CALIFORNIA

requested the Board consider procedures to accelerate and improve enforcement of evening complaints, and added that the solution was to be found in constant maintenance, rather than in "one-time solutions."

At the conclusion of the speaker presentations, Director Aramburu stated he would also request staff prepare an ambient air quality report on the area surrounding PSC; as well as to have an individual in the vicinity during peak odor episodes in order to provide a background report. Chairperson Wilson so ordered.

REPORT ON TRANSPORTATION CONTROLS REDUCTION TARGET REQUIRED BY CORTESE BILL

Mr. Feldstein presented his report entitled, Estimate of Transportation Emission Reduction Target Required by Cortese Bill (Health and Safety Code Section 40233.1), dated June 21, 1989, stating that by June 30, 1989, the District must provide MTC with an estimate of emission reductions from transportation sources needed to attain and maintain State and Federal ambient air standards; and that according to the available data, the reduction of reactive organic compounds from transportation sources was calculated to be 25 tons per day.

Director Diridon expressed his concern that the calculation was too low; and after considerable discussion, Mr. Feldstein noted that in the 1982 Plan, MTC achieved only a reduction of two tons per day, and opined 25 tons per day was a significant number. Director Diridon moved the report be approved; seconded by Director Cooper; carried.

Director Eshoo requested a copy of the list of new stationary source control measures that would achieve a reduction of 40 tons per day in volatile organic compounds. Chairperson Wilson directed the Board be provided with a list of contingency control measures.

CHAIRPERSON'S REPORT

SUSANNE WILSON

Chairperson Wilson reminded the Board that its next regular meeting would be held on July 12 and not July 5.

BOARD MEMBERS' COMMENTS

Director Diridon announced that the Resource Recovery meeting of June 22 had been cancelled. Director Diridon noted the May 1989 Public Information & Education monthly activity report listed media and speaking engagements were conducted within his and Chairperson Wilson's supervisorial districts; and reiterated the Board's request that affected Directors be notified when such media requests were made.

* * * * *

Director S. Campbell requested Board members to contact her regarding their requests for membership on the Standing and Ad Hoc Committees.

* * * * *

Director Aramburu stated he had persuaded the Executive Committee of ABAG to table a motion opposing Assemblyman Cortese's Bill 2203 requiring inclusion of air quality elements in city and county general plans; that the ABAG Executive Committee was moving toward what it considered to be a posture of bureaucratic non-interference in local government; and that the District should do a better public relations job in presenting the need for air quality planning elements to local and regional governments.

* * * * *

Director Gonzalez requested the District Counsel provide a report on the triggering of conflict-of-interest by campaign contributions from industry to Board members; and Chairperson Wilson so ordered.

* * * * *

Director Davis referred to a communication from the Hearing Board Chairperson Thomas J. Ferrito expressing concern about the odor enforcement policy at PSC and requested the Hearing Board be afforded an opportunity to address the issue at a regular meeting in which the matter was agendized. Chairperson Wilson so ordered.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, July 12, 1989, 939 Ellis Street, San Francisco, California.


ADJOURNMENT

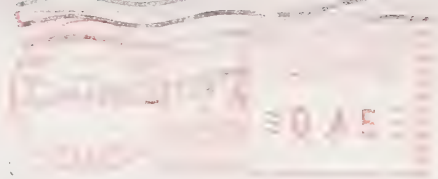
The meeting adjourned at 11:52 a.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB:jc/lmm


BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

10324
July 12, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, JULY 12, 1989

MINUTES

STUDIOS LIBRARY

JUL 25 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL, CHAIR
ALBERT ARAMBURU
HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVINGER
PAUL COOPER

CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
ANNA ESHOO
JIM GONZALEZ
JIM HARBERSON

ROBERTA HUGHAN
SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
SUSANNE WILSON

BOARD MEMBERS ABSENT

BOB WHITE

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PHD

JACK C. OPPENHEIMER

DANIEL V. PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
JIM KARAS
MANAGER OF FIELD ENGINEERING

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD McHUGH
DIRECTOR OF PI&E
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES
CAROL BRADLEY
CLERK OF THE BOARDS

Chairperson S. Campbell called the meeting to order at 9:39 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced John Holtzclaw, PhD.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF JUNE 21, 1989

COMMUNICATIONS

PAUL COOPER, SECRETARY

The following communications were presented:

(6/19/89)	(6/22/89)	(6/25/8)	(6/23/89)
RUTH MARCUS	ANNETTE NELSON	NATHAN	MIKE MARCUS
LAFAYETTE, CA.	BENICIA, CA.	CONCORD, CA.	MILL VALLEY, CA.

urging (1) adoption of the air pollution control measures included in the 1982 Air Quality Plan, and additional control measures for industrial polluters; ; (2) tightening of existing regulations to remove exemptions and loopholes; and (3) augmentation of the Inspection & Maintenance Program.

(6/89)
ROSE MARKOVICH, SECRETARY
JOINT CONTRA COSTA COUNTY AND BAAQMD TASK FORCE
ON I.T. CORPORATION
MARTINEZ, CALIFORNIA

- enclosing the minutes of the May 22, 1989 Task Force Meeting (6/12/89);
- and the agenda for the Task Force's July 10, 1989 meeting; an updated attendance list, and a corrected page six of the minutes for the April 10 meeting. (7/3/89)

(6/13/89)
RICHARD W. WIEKING, CLERK
ROBERT F. MONNETT, DEPUTY CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

enclosing the "Summons in a Civil Action" filed by Citizens for a Better Environment and the Sierra Club Legal Defense Fund against the District, MTC, ABAG and EPA. (6/25/89)

(7/1/89)
SAN MATEO CITY REDEVELOPMENT AGENCY
SAN MATEO, CALIFORNIA

submitting Notice of Joint Public Hearing on the Amendment to the Redevelopment Plan and Negative Declaration for the San Mateo City Downtown Redevelopment Project Area. (7/3/89) *Note: Transmitted to the Planning Division for Commentary*

(7/89)
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
SAN FRANCISCO, CALIFORNIA

enclosing Notice of Public Hearing and Comment Period on Proposed Closure Plan and Negative Declaration for Hazardous Waste Facility. (7/3/89) *Note: Transmitted to the Planning Division for Commentary*

(6/21/89)
ROD DIRIDON
CHAIRMAN
BAY VISION 2020 NOMINATING COMMITTEE
METROCENTER
OAKLAND, CA.

enclosing nominating ballots for submission of candidates' names for the Bay Vision 2020 Commission members. (6/25/89)

(6/30/89)
JUDY RIBOLI
CITY CLERK
CITY OF HAYWARD
HAYWARD, CALIFORNIA

enclosing Notice of Hayward City Council Meeting on July 11, 1989 to consider Certification of the Final EIS/EIR for the Proposed Marathon U.S. Realities Industrial/Commercial Business Center - Tract 5167 as being in compliance with CEQA and the state and city guidelines adopted thereto. (7/5/89) *Note: Transmitted to the Planning Division for Commentary*

(6/13/89)
AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

submitting Notice of Public Meeting set for July 13, 1989 regarding reports on California Solvents Control Efforts; various Public Hearings and Consideration of Research Proposals. (7/5/89)

(6/28/89)
ALAN RAMO
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

regarding CBE's litigation against the District for failing to implement five measures contained in the 1982 Plan. (6/29/89)

(6/29/89)
JAY HULL
COUNTY ADMINISTRATOR
NAPA COUNTY
NAPA, CALIFORNIA

enclosing information regarding Special District Augmentation Fund Public Hearing, set for July 25, 1989. (7/5/89)

(7/89)
LANCE SUCHAROV
PUBLISHING DIRECTOR
COMPUTATIONAL MECHANICS
BILLERICA, MASSACHUSETTS

enclosing a leaflet on the journal "Environmental Software" with references on current international computer software research work in the field of air, water and soil pollution. (7/6/89)

(7/89)
BURCH BACHTOLD
DISTRICT DIRECTOR
CALIFORNIA DEPARTMENT OF TRANSPORTATION
SAN FRANCISCO, CALIFORNIA

enclosing Notice of Public Hearing and Availability of Draft Environmental Assessment/Draft Environmental Impact Report for the Peninsula Commute Service Equipment Maintenance Facility. (7/11/89)

REJECTION OF CLAIMS AGAINST THE DISTRICT

The APCO's report entitled, Rejection of Claim Against the District, dated July 5, 1989, was presented.

REFUNDS

The APCO's report entitled, Refunds, dated July 5, 1989, was presented.

APPROVAL OF EMPLOYEE BENEFIT RESOLUTION FOR PERS

The APCO's report entitled, Approval of Employee Benefit Resolution for PERS, dated July 5, 1989, was presented.

Adopted **Resolution No. 1876**, *In the Matter of Fixing the District's Contribution Under the Public Employer's Medical and Hospital Care Act.*

APPROVAL OF CONTRACT WITH LEGISLATIVE REPRESENTATIVE

The APCO's report entitled, Contract With Legislative Representative, dated July 5, 1989, was presented.

Adopted **Resolution No. 1877**, *In the Matter of Approving a Contract with the District's Legislative Representative for Fiscal Year 1989-90.*

**AUTHORIZATION FOR APCO TO SIGN AND SUBMIT
FEDERAL GRANT AND STATE SUBVENTION APPLICATIONS**

The APCO's report entitled, Authorization for Air Pollution Control Officer to Sign and Submit State and Federal Grant Applications, dated July 5, 1989, was presented.

Adopted **Resolution No. 1878**, *In the Matter of Authorizing the Air Pollution Control Officer to Submit Applications for State and Federal Subventions Grants.*

APPROVAL OF CONTRACT WITH LEAGUE OF WOMEN VOTERS

The APCO's report entitled, Approval of Contract with League of Women Voters, dated July 5, 1989, was presented.

Adopted **Resolution No. 1879**, *In the Matter of Approving a Contract with the League of Women Voters for Fiscal Year 1989-90.*

APPROVAL FOR APCO TO SIGN PURCHASE ORDER IN EXCESS OF \$15,000

Chairperson Campbell announced that this item had been withdrawn from the agenda at the request of staff.

Director Ogawa moved the adoption of the above Consent Calendar items, as indicated; seconded by Director McPeak; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
DIRIDON, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA,
WILSON.

NOES: NONE.

ABSENT: BRITT, CORICA, DAVIS, ESHOO, GONZALEZ, WHITE.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION
REGARDING REGULATION 8, RULE 46 REGARDING LIGHTERING**

Chairperson Campbell opened the public hearing at 9:40 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Director Eshoo arrived at 9:41 a.m.

Mr. Karas presented the APCO's report entitled, Marine Tank Vessel to Marine Tank Vessel Loading Rule - Staff Report, dated June 2, 1989, explaining that lightering was the process of off-loading cargo from a large vessel to a smaller vessel because of draft; and that emissions from the organic compounds contained in the lighter vessel are displaced into the atmosphere during the filling process.

Mr. Karas stated the proposed rule would reduce ozone forming pollutants in the Bay Area, and lead to improved air quality by requiring the same type of vapor recovery system on these vessels as those used on automobiles (only on a much larger scale), and the vapors would be directed to an abatement device or back to the larger vessel.

Using slides and overheads, Mr. Karas reviewed the Reasons to Lighter; described a Lightering Event; offered examples of Uncontrolled and Controlled Lightering; stating the rule would achieve an emission reduction between 636 and 944 tons of organic compounds per year; and that the estimated emission reductions are 1.7 and 2.6 tons per day.

Directors Britt and Gonzalez arrived at 9:50 a.m.

Mr. Karas concluded his presentation stating the costs associated with the rule ranged between \$0.14 and \$0.37 per pound of precursor organics reduced; that retrofitting vessels was cost effective; and if the rule was adopted by the Board, implementation requirements would begin as soon as July 15, 1989.

Director McPeak congratulated staff on the proposed rule, and suggested the staggering statistic of one lightering operation being equal to one million cars' refueling emissions be incorporated in a press release.

Chairperson Campbell called for public testimony, and the following individuals came forward:

JULIA MAY
CITIZENS FOR A BETTER ENVIRONMENT (CBE)
SAN FRANCISCO, CA

stated CBE strongly supported the rule; and that they would like to see the Board adopt a rule in the future which regulates bunkering.

Directors Corica and Davis arrived at 10:05 a.m.

NANCY QUAM-WICKHAM
PRIVATE CITIZEN
SAUSALITO, CA

stated she was in favor of the rule; thanked the Board for taking action; and suggested they consider enacting rules for tank cleaning and bunkering.

Director Eshoo questioned whether staff was considering regulations regarding tank cleaning and bunkering; and after discussion, requested a staff report regarding the feasibility of adopting such a rule. Chairperson Campbell so ordered.

JACK HEYMAN
SEAMEN ORGANIZING FOR SAFETY (SOS)
OAKLAND, CA

stated he was in favor of the rule; and that its adoption would have a positive affect on the health of ship workers and the marine community.

RUSS JOHNSON
CROWLEY MARITIME CORPORATION
SAN FRANCISCO, CA

requested Crowley Maritime be exempted from the rule; stating approximately 30% (on a revenue basis) of their Bay Area business was lightering; that the rule would effectively eliminate them from the business of lightering; and retrofitting vessels was not as cost-effective for them as depicted by staff.

Director Davis questioned whether Crowley Maritime had offered an alternative to their request for an exemption when they attended the District's workshop; stating he would appreciate receiving a proposed plan regarding how they could phase themselves into the rule requirements.

JAMES THOMPSON
INLAND BOATMENS UNION
PITTSBURG, CA

congratulated staff for its work; and urged the Board to adopt the rule.

JOHN HOLTZCLAW, PhD
SIERRA CLUB
SAN FRANCISCO, CA

urged the Board to adopt the rule, and consider a bunkering rule.

Director Ogawa moved the public hearing be closed; seconded by Director Aramburu.

Director Aramburu moved adoption of the resolution; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DAVIS, DIRIDON, ESHOO, GONZALEZ,
HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: WHITE.

Adopted **Resolution No. 1879**, *In the Matter of Adopting Rule 46 of Regulation 8 Relating to Marine Tank Vessel to Marine Tank Vessel Loading.*

In response to Director Davis' question regarding Crowley Maritime having an opportunity to meet with staff and discuss an amicable compliance plan, Mr. Feldstein stated Crowley could apply for a variance from the District's Hearing Board if they needed more time.

<p>PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 3 REGARDING ELIMINATION OF FEE EXEMPTION FOR PUBLIC AGENCIES</p>
--

Chairperson Campbell opened the public hearing at 10:31 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Feldstein presented his report entitled, Public Hearing on Regulation 3 - Fees for Public Agencies, dated June 21, 1989, explaining that the State, local agencies and public districts have been exempt from paying permit fees; that recently the State law was amended to remove the exemption; that the District is required to pay fees to cities, counties and special districts for services rendered; and staff was proposing an amendment to delete the exemption from paying permit fees for any State, local agency or public district.

Mr. Feldstein concluded his presentation stating the monetary impact on most facilities would be relatively minor; that the typical sources currently not paying permit fees are publicly owned sewage treatment plants, underground storage tanks, and gasoline dispensing facilities.

There was no public testimony.

Director Ogawa moved the public hearing be closed; seconded by Director Eshoo.

Director Eshoo moved adoption of the resolution; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DAVIS, DIRIDON, ESHOO, GONZALEZ,
HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: WHITE.

Adopted **Resolution No. 1880**, *In the Matter of Amending Regulation 3 Relating to Fees.*

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein reviewed his report entitled, Staff Presentations at Annual Meeting on the Air and Waste Management Association, dated July 11, 1989, which described the technical and scientific papers presented by District staff at the June 25-30, 1989 annual meeting in Anaheim, California.

* * * * *

Mr. Feldstein presented his report entitled, AB 1130, dated July 12, 1989, reviewing the bill's intent to authorize the District to assess up to \$4 for each vehicle registered in the District; stating the funds were to be used to implement and enforce the transportation control measures mandated by the California Clean Air Act; and control of the funds remained with the District's Board of Directors.

Mr. Feldstein stated the Metropolitan Transportation Commission (MTC) had proposed an amendment to the bill which would place them in control of the funds; that the amendment would seriously jeopardize the District's capability to attain the clean air goals; and pointed out that the letter from James Bourgart of the Bay Area Council to Senator Kopp, dated July 3, 1989, stating the Bay Area Council supported the proposed amendment was added incentive for the Committee to adopt the amendment.

Mr. Feldstein concluded his report stating the Senate Transportation Committee, chaired by Senator Quentin Kopp, would consider AB 1130 at 1:30 p.m., Tuesday, July 18, 1989, and it was important that each Board member either contact Senator Kopp and/or the Committee members, or plan to attend the hearing in order to reinforce the Board's commitment to the clean air goals of the California Clean Air Act, and the need to maintain control of the vehicular funds.

There was considerable discussion regarding MTC's motives, and actions the District could employ in order to convince the Transportation Committee not to adopt the amendment; and after much testimony by the Board members; Director McPeak offered the following four-part motion which incorporated ideas presented by Directors Aramburu, E. Campbell, Diridon, Wilson and her:

- (1) Direct staff to prepare an even expanded resolution and position paper outlining the Board's past actions on air quality improvements and efforts on transportation systems management;

- (2) Conduct the most aggressive support effort possible before the Senate Legislative Committee at its hearing on July 18 and be prepared to:
 - a. offer the Board's interest in working out a cooperative arrangement with MTC; and
 - b. subvent part of the funds.
- (3) Call an emergency meeting of the Joint Air Quality Policy Committee (JAQPC), chaired by Director Aramburu, to discuss the issue; and
- (4) Direct staff to continue working with the Board's Legislative Committee and JAQPC to reach a workable compromise with MTC, including the possibility of a requirement which would, in effect, state that no money will be collected until an agreement is reached between the two agencies.

Director McPeak emphasized that the District should not end up in a position where it has no say, but would have to impose a tax.

Director Cooper seconded the motion; carried on roll call:

AYES: BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
CORICA, DAVIS, ESHOO, HUGHAN, McPEAK, NICOLOPULOS,
OGAWA.

NOES: NONE.

ABSENT: ARAMBURU, DIRIDON, GONZALEZ, HARBERTSON, WHITE, WILSON.

Directors Aramburu, Clevenger, Gonzalez and Hughan indicated they would be attending the July 18 AB 1130 hearing in Sacramento; and Director Eshoo stated she would call Assemblyman Sher, as well as each member on the Transportation Committee; and requested staff provide her with a copy of the position paper, et al., as soon as possible.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Noting Director Wilson had departed the meeting, Chairperson Campbell congratulated her on her accomplishments during her tenure as chairperson; and briefly outlined the goals of the Board for 1989-90, which included continuing work on projects that were in progress: the Resource Recovery primer, the Toxics Inventory and Remodeling of the District Building; working cooperatively with the Association of Bay Area Governments (ABAG) and MTC; continuing to receive the informational and educational presentations by staff; as well as beginning on- and off-site tours of the District and major industries.

Chairperson Campbell concluded her report stating the Board would meet at 9:30 a.m., Wednesday, July 19 in the Board Room, and tour the District's laboratory and metering center; and that the Regular Board meeting would begin at 10:00 a.m. and include an educational presentation regarding the history of ozone in the Bay Area.

BOARD MEMBERS' COMMENTS

Director Hughan stated she would convene a meeting of the Ad Hoc Building Committee at 9:00 a.m., Wednesday, July 19 which would culminate with the tour and a review of the building modifications.

* * * * *

Director Clevenger stated letters of appreciation should be transmitted to staff members who made presentations at the Air and Waste Management Association annual meeting July 25-30.

* * * * *

Director Cooper requested the Clerk be directed to send copies to each Board member of June 28 litigation correspondence from CBE. Chairperson Campbell so directed.

* * * * *

Director Ogawa congratulated Chairperson Campbell upon taking office for Fiscal Year 1989-90.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, July 19, 1989, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

The meeting adjourned at 11:32 a.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

/cb

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

A1581
July 19, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, JULY 19, 1989

MINUTES

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

AUG 7 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL, CHAIR
ALBERT ARAMBURU
HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVINGER

PAUL COOPER
CHUCK CORICA
ROD DIRIDON
ANNA ESHOO

JIM GONZALEZ
ROBERTA HUGHAN
SUNNE McPEAK
GUS NICOLOPULOS
BOB WHITE

BOARD MEMBERS ABSENT

OSBY DAVIS
SUSANNE WILSON

JIM HARBERSON

FRANK OGAWA

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PhD

JOHN S. LAGARIAS

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
HULAN BRINKLEY
DIRECTOR OF ENFORCEMENT DIVISION
JOAN DRACOTT
PUBLIC INFORMATION OFFICER
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD MILLER
ADVANCE PROJECTS ADVISOR
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES

CAROL BRADLEY
CLERK OF THE BOARDS

TOUR OF DISTRICT TELEMETERING CENTER AND LABORATORY

Chairperson Campbell thanked staff for the tour of the District's telemetering center and laboratory which was conducted at 9:30 a.m. - 10:10 a.m.; stating it was an excellent way to introduce the Boardmembers to the inner regions of the building.

CALL TO ORDER

Chairperson Campbell called the meeting to order at 10:15 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced John Holtzclaw, Ph.D.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF JULY 12, 1989**DIVISION MONTHLY REPORTS**

The following Division monthly reports were presented: Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period June 1-30, 1989.

COMMUNICATIONS

PAUL COOPER, SECRETARY

The following communications were presented:

(6/19/89)
KATHRYN TAYLOR
BEN LOMOND, CA.

(6/22/89)
LINDSAY PAVEL
LIVERMORE, CA

urging adoption of (1) the air pollution control measures included in the 1981 Air Quality Plan; (2) additional control measures for industrial polluters; (3) tightening of existing regulations to remove exemptions and loopholes; and (4) augmentation of the Inspection & Maintenance Program.

(7/13/89)
BARBARA A. BATTAYA
CITY CLERK
CITY OF SOUTH SAN FRANCISCO
SOUTH SAN FRANCISCO, CALIFORNIA

submitting copy of "Description of Land with the South San Francisco Downtown/Center Redevelopment Project Area and Statement that Redevelopment proceedings Have Been Instituted"; a certified copy of Ordinance No. 1056-89 of the city of South San Francisco adopting the Redevelopment Plan; and a map showing the boundaries of the Project Area. (7/13/89: *Transmitted to the Planning Division for Commentary*)

(7/17/89)
CALVIN WONG
PACIFIC STEEL CASTING COMPANY
BERKELEY, CALIFORNIA

inviting the Board of Directors to drive through the affected neighborhoods surrounding the Pacific Steel Casting facility and make an individual determination of the odor problem; enclosing a map of the area; and describing the hours of plant operation. (7/18/89)

QUARTERLY REPORT OF ARB REPRESENTATIVE

ROBERTA HUGHAN

Director Hughan submitted her report entitled, Quarterly Report of My Activities as an ARB Member, dated July 12, 1989.

SET PUBLIC HEARINGS

The APCO's report entitled, Setting of Two Public Hearings - Conflict of Interest Statement, dated July 12, 1989 was presented.

FOR SEPTEMBER 6, 1989 TO CONSIDER AMENDMENTS TO REGULATION 8, RULES 11, 12 AND 20 PERTAINING TO ALTERNATIVE EMISSION CONTROL PLANS (AECp).

FOR SEPTEMBER 6, 1989 TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 13 PERTAINING TO LIGHT AND MEDIUM DUTY MOTOR VEHICLE ASSEMBLY PLANTS.

NOTICE OF INTENT TO AMEND ADMINISTRATIVE CODE

The APCO's report entitled, Notice of Intent to Amend District Administrative Code, dated July 13, 1989 was presented.

**AUTHORIZATION FOR APCO
TO SIGN PURCHASE ORDER IN EXCESS OF \$15,000**

The APCO's report entitled, Authorization for APCO to Sign Purchase Orders, dated July 13, 1989 was presented.

Adopted **Resolution No. 1882**, *In the Matter of Authorizing the Air Pollution Control Officer to Sign a Purchase Order in Excess of \$15,000.*

Adopted **Resolution No. 1883**, *In the Matter of Authorizing the Air Pollution Control Officer to Sign a Purchase Order in Excess of \$15,000 Relating to Summer Ozone Intensive Scientific Field Studies.*

Director Eshoo moved the adoption of the above Consent Calendar items; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DIRIDON, ESHOO, GONZALEZ, HUGHAN,
McPEAK, NICOLOPULOS, WHITE.

NOES: NONE.

ABSENT: DAVIS, HARBERSON, OGAWA, WILSON.

**PUBLIC HEARING TO CONSIDER ADOPTION OF PM₁₀
COMMITTAL SIP FOR SANTA CLARA COUNTY**

Chairperson Campbell opened the public hearing at 10:17 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Miller presented the APCO's report entitled, Public Hearing to Consider Adoption of a Group II Committal SIP for Fine Particulate Matter (PM₁₀), dated July 12, 1989 and briefly reviewed the content of the Committal SIP; stating the Environmental Protection Agency (EPA) had promulgated new National Ambient Air Quality Standards (NAAQS) for PM₁₀ on July 1, 1987 which required certain revisions to the District's State Implementation Plan (SIP); mostly administrative in nature, as well as attainment versus non-attainment. Mr. Miller explained that EPA had classified areas of the country into three groups: Group I - non-attainment for the new PM₁₀ standards; Group II - possibility that the area could and could not non-attainment; and Group III - area was attainment (less than 20% probability that the area was non-attainment).

Mr. Miller stated San Jose was the only area showing high PM₁₀ concentrations due to the intensive redevelopment occurring since 1985; that Santa Clara County had been designated as a Group II area; that staff had prepared a PM₁₀ Committal SIP to be submitted to EPA which proposed an enhanced and expanded PM₁₀ monitoring program for the area; and that if an exceedance was discovered through the enhanced monitoring, the area would become a Group I area and certain other requirements would apply.

Mr. Miller briefly outlined the District commitments as stated in the report entitled, PM₁₀ Committal SIP for the Bay Area Air Quality Management District, undated, stating if the Board adopted the staff recommendation, the resolution would be transmitted to the California Air Resources Board.

There was brief discussion by the Board regarding the SIP; and Director Diridon added that if Santa Clara County was going to continue to be in compliance, there was a need for more pressure from both the staff and the Board of Directors.

Chairperson Campbell called for public testimony, and there was none.

Director Eshoo moved the public hearing be closed; seconded by Director Diridon; carried.

Director Diridon moved the staff recommendation be approved; seconded by Director White; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER,
COOPER, CORICA, DIRIDON, ESHOO, GONZALEZ, HUGHAN,
McPEAK, NICOLOPULOS, WHITE.

NOES: NONE.

ABSENT: DAVIS, HARBERSON, OGAWA, WILSON.

Adopted **Resolution No. 1884**, *In the Matter of Adopting a Group II Committal SIP for Fine Particulate Matter.*

ARB/EPA PROGRAM EVALUATION QUARTERLY PROGRESS REPORT

Mr. Hess presented the APCO's report entitled, ARB/EPA Program Evaluation Quarterly Progress Report, dated July 12, 1989, stating the report discussed 39 of 115 recommendations which were being pursued, continuing, or had been completed. Mr. Hess continued stating the major activities currently being pursued included: modifications to the District's information management system; rule amendments to Regulation 8, New Source Review and Alternative Emission Control Plans; development of an Enforcement Policy and Procedures Manual; and additional public information materials.

Director Aramburu moved the report be forwarded to ARB; seconded by Director Eshoo; carried.

**AIR POLLUTION TOPIC:
HISTORY OF OZONE IN THE SAN FRANCISCO BAY AREA**

Mr. Perardi presented a brief summary of the Bay Area history as it relates to ozone; stating the Bay Area had made significant progress over the years in reducing the ambient levels of ozone, though the federal standard had not been met in 1987, and the ARB had set a new state standard that would be even more difficult to achieve.

Explaining that ozone was one of ten criteria air pollutants, Mr. Perardi stated federal and state standards were set based on measured health effects; that ozone is a colorless, odorless gas that builds up in the atmosphere on hot, windless summer days; and that it is a derivative of oxygen.

Using slides and overheads, Mr. Perardi stated the nine counties composing the Bay Area Air Quality Management District was 6,000 square miles, had 24,000 sources at 4,500 facilities, 6 million people, 4 million cars, and 100 million vehicle miles per day were travelled. By contrast, he explained that in 1955, the District had 3 million people, 1.7 million cars, and 35 million vehicle miles per day.

Mr. Perardi reviewed the District's planning history, beginning in the early 1950's to the present; outlining the unique aspects of Bay Area plans which included the institutional structure of the three "co-lead" regional agencies (ABAG, BAAQMD and MTC); as well as ranking proposed control measures based on cost per unit ozone reduction.

Mr. Perardi reviewed the post-1987 outlook as it related to legislation and controls, and concluded his presentation by listing 10 lessons learned, which included the need for national Clean Air Act amendments, additional emission reductions from all sectors, stringent vehicle control, and the use of intermittent controls when no permanent controls are available.

Director Eshoo complimented Mr. Perardi for his comprehensive presentation, and invited him to attend the San Mateo County Supervisors meeting to make the same presentation; and further questioned what other means staff was using to provide the information to the general public. Chairperson Campbell suggested the presentation be made available to all members of the Board of Directors; and Mr. Feldstein stated staff would compile a brief paper for the Board regarding the differences in upper and lower atmosphere ozone.

Director Eshoo stated she felt it would be good for the District's Public Relations Director to present a plan to the Board for review; and Director Clevenger suggested the need for a brainstorming session regarding how the message could be sent or delivered to the people.

REPORT OF THE AD HOC BUILDING COMMITTEE

Noting that the Report of the Ad Hoc Building Committee had not been listed on the Agenda, Chairperson Campbell requested the Chairperson make its report regarding its meeting held at 9:00 a.m. this date.

Director Hughan stated the Committee had met at 9:00 a.m. to discuss the District office building construction and improvements, and other matters; explaining further that she had arrived late, and requested Director Aramburu give the Ad Hoc Building Committee report.

Director Aramburu stated the Committee formally issued notice of completion and that the Ad Hoc Building Committee was no longer in existence; that they had requested a report from staff regarding updating the reader board in the seventh floor lobby; and the report would be reviewed by a subcommittee comprised of Directors Hughan and Diridon; additionally, a five-year plan regarding capital improvements would be submitted by staff to the Board in light of the Redevelopment Agency's recent notice that it would be moving out effective June 1990. Director Hughan moved that the Committee's recommendation to dissolve the Committee and a study be prepared regarding the reader board be approved; seconded by Director Eshoo; carried. Director Cooper moved that the Board accept the proposed five-year plan study; seconded by Director Eshoo; carried.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein presented his report entitled, Board of Directors Information Package, dated July 17, 1989, which listed the District's Air Monitoring Stations that are readily accessible to Board members; stating in the event a Director wished to visit such facility, he should be contacted

Chairperson Campbell directed staff to send the lists with a brief cover note to all Boardmembers since there were absentees at this meeting.

Mr. Feldstein stated in the effort to get AB 1130 (Sher) passed without the MTC proposed amendment, Chairperson Campbell and Director Aramburu had attended the Joint Air Quality Policy Committee emergency meeting on Monday, July 17 to plan a strategy; that Directors Aramburu, Clevenger, Gonzalez and Hughan had attended the Senate Transportation Committee meeting in Sacramento on Tuesday, July 18 to testify before Senator Kopp and others; and that the District had been successful in getting AB 1130 passed by the Committee with an acceptable compromise amendment involving MTC.

Directors Aramburu, Gonzalez, Hughan, and Clevenger each shared the efforts made to get the bill passed; and Director Hughan noted the 7 - 1 vote was a very impressive because it took seven votes to pass the bill. Director Gonzalez stated an editorial appeared in the Sunday and Monday, July 16 and 17, San Jose Mercury regarding the bill; stating he would like to review those articles. Chairperson Campbell directed staff locate the articles and distribute them to the Board.

Director Aramburu stated the efforts of the Board represented that they should never take anything for granted; and that if they wanted something done, they should do it themselves. Director Gonzalez suggested the Board invite the Legislative Advocate for the District to share with them some intelligence regarding what is happening on different issues which could affect the District. Chairperson Campbell stated that was an excellent idea, but recommended the Board keep in mind that there were costs involved for that endeavor.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell stated traditionally the Board cancels the second Board meeting in August (August 16); and that she would hold with that tradition and cancel the meeting.

Chairperson Campbell stated the Executive Committee was scheduled to meet on the fifth Wednesday of August (August 30); and she questioned whether the Committee would like to move the meeting from August 30 to Wednesday August 9 or Wednesday August 16. After a brief discussion, Chairperson Campbell directed the Executive Committee meet at 10:00 a.m. on Wednesday, August 16; and directed the balance of the Committee be polled regarding attendance.

BOARD MEMBERS' COMMENTS

Director Cooper stated there was a letter in the Board Communications dated July 17 from Pacific Steel Casting which invited the Board of Directors to drive through the affected neighborhood surrounding the facility; and that he would like to be sure that each member of the Board had a copy of the letter.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, August 2, 1989, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

The meeting adjourned at 11:42 a.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB:jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

A/581
Aug. 2, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, AUGUST 2, 1989

MINUTES

INSTITUTE OF GOVERNMENT
STUDIES LIBRARY

SEP 11 1989

UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL,
CHAIR
ALBERT ARAMBURU
HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVINGER

PAUL COOPER
CHUCK CORICA
ROD DIRIDON
ANNA ESHOO
JIM GONZALEZ

ROBERTA HUGHAN
SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
BOB WHITE
SUSANNE WILSON

BOARD MEMBERS ABSENT

OSBY DAVIS

JIM HARBERSON

HEARING BOARD MEMBERS PRESENT

KENNETH A. MANASTER, LL.B.

ADVISORY COUNCIL MEMBERS PRESENT

STANA D. HEARNE

JOHN HOLTZCLAW, PhD

DANIEL PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
JACK BEAN
ENFORCEMENT SERVICES MANAGER
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
WAYNE KINO
ENFORCEMENT SPECIALIST

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES

CAROL BRADLEY
CLERK OF THE BOARDS

CALL TO ORDER

Chairperson S. Campbell called the meeting to order at 9:38 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Advisory Councilmembers Stana D. Hearne, John Holtzclaw, PhD, and Daniel Phelan.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF JULY 19, 1989**COMMUNICATIONS**

PAUL COOPER, SECRETARY

The following communications were presented:

(7/17/89)

JANANNE SHARPLESS
SECRETARY OF ENVIRONMENTAL AFFAIRS
CALIFORNIA AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

requesting commentary on the Department of the Interior Development of a New 5-Year Outer Continental Shelf Oil and Gas Leasing Program. (7/20/89)

(7/21/89)

GREGORY CRAWFORD
TECHNICAL DIRECTOR
STEEL CAN RECYCLING INSTITUTE
PITTSBURGH, PENNSYLVANIA

enclosing brochure entitled "Steel Recycling - a New Era," published by the Steel Can Recycling Institute. (7/25/89)

(7/20/89)

DR. WILLIAM McCORMACK
LOS ALTOS, CALIFORNIA

urging adoption of air pollution control measures to reduce effects of asthma and to enforce air pollution laws. (7/25/89)

(7/17/89)

MR. MARK WEISS
ACTING EXECUTIVE DIRECTOR
COMMUNITY DEVELOPMENT AGENCY
CITY OF HALF MOON BAY, CALIFORNIA

submitting Notice of Preparation of Redevelopment Plan for the Half Moon Bay South Wavecrest Redevelopment Project. (7/25/89: *Transmitted to the Planning Division for comment*).

(7/26/89)

MARTIN WACHS
PROFESSOR OF URBAN PLANNING
GRADUAL SCHOOL OF ARCHITECTURE AND URBAN PLANNING
UNIVERSITY OF CALIFORNIA, LOS ANGELES

inviting participation in the Symposium on Transportation Demand Management: Policy Implications of Recent Behavioral Research, to be conducted on October 12/13, 1989 at the UCLA Conference Center in Lake Arrowhead, California. (7/31/89)

(7/30/89)

PRENTISS COLE
LOS ALTOS, CALIFORNIA

urging adoption of all the measures contained in the 1982 Bay Area Air Quality Plan. (7/30/89)

(7/28/89)

CALVIN E. WONG
VICE-PRESIDENT, FINANCE
PACIFIC STEEL CASTING COMPANY
BERKELEY, CALIFORNIA

requesting that the public hearing to receive testimony regarding the PSC Company odor problems not be scheduled between September 4 - 22, 1989. (8/1/89)

REFUNDS

The APCO's report entitled, Refunds, dated July 26, 1989, was presented.

APPROVAL OF AMENDMENTS TO THE ADMINISTRATIVE CODE

The APCO's report entitled, Approval of Amendments to Administrative Code, dated July 26, 1989, was presented.

Adopted **Resolution No. 1885**, *In the Matter of Amending the Administrative Code.*

APPROVAL FOR APCO TO SIGN PURCHASE ORDERS IN EXCESS OF \$15,000

The APCO's report entitled, Authorization for APCO to Sign Purchase Orders in Excess of \$15,000, dated July 26, 1989, was presented.

SET PUBLIC HEARINGS

The APCO's report entitled, Setting of Public Hearings - Conflict of Interest Notice, dated July 26, 1989, was presented:

For October 4, 1989 to Consider Amendments to Regulation 8, Rule 8, Regarding Wastewater (Oil-Water) Separators.

For October 18, 1989 to Consider Amendments to Regulations 2, Rules 1 and 2, and Regulation 3 Regarding New Source Review.

Director Ogawa moved the adoption of the above Consent Calendar items; seconded by Director White; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, CORICA, ESHOO, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, DAVIS, DIRIDON, GONZALEZ, HARBERSON.

REPORT OF AD HOC COMMITTEE ON RESOURCE RECOVERY FACILITIES

CHAIRPERSON DIRIDON

Chairperson Campbell stated the Board would receive the report upon the arrival of Director Diridon.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 16 AND
REGULATION 2, RULE 1 REGARDING SOLVENT CLEANING OPERATIONS**

Chairperson Campbell opened the public hearing at 9:47 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Director Britt arrived at 9:41 a.m.

Mr. Kino presented the APCO's report entitled, Public Hearing on Proposed Amendments to Regulation 8, Rule 16, Solvent Cleaning Operations and Regulation 2, Rule 1, Permit General Requirements, dated July 26, 1989; stating the proposed amendments are designed to clarify and improve the enforceability of the rules and to ensure that deficiencies pointed out by EPA during the post-1987 State Implementation Plan (SIP) review are corrected. Reviewing the history of the original rule which was adopted in 1979, Mr. Kino stated there were three types of cleaners: (1) cold, (2) vapor, and (3) conveyor; that the rule was divided into three sections: (1) general operating requirements, (2) general equipment requirements, and (3) solvents; and that the proposed amendments involved minor changes for clarity, and major changes relating to compliance schedules.

Mr. Kino stated the amendment to Regulation 2, Rule 1 involved Section 118, and established permit exemption criteria consistent with current solvent cleaner permitting policy; and stated staff recommended the Board adopt the amendments to the aforementioned regulations.

Director Gonzalez arrived at 9:46 a.m.

Chairperson Campbell called for public testimony, and there was none.

Director Ogawa moved the public hearing be closed; seconded by Director Eshoo; carried.

Director Eshoo moved the staff recommendations be approved; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
CORICA, ESHOO, GONZALEZ, HUGHAN, McPEAK, NICOLOPULOS, OGAWA,
WHITE, WILSON.

NOES: NONE.

ABSENT: DIRIDON, DAVIS, HARBERSON.

Adopted **Resolution No. 1886**, *In the Matter of Amending Rule 16 of Regulation 8 Relating to Solvent Cleaning Operations and Rule 1 of Regulation 2 Relating to Permit General Requirements.*

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8,
RULES 18, 22, 25 AND 28 REGARDING REFINERY OPERATIONS**

Chairperson Campbell opened the public hearing at 9:47 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Kino reviewed the APCO's report entitled, Public Hearing on Proposed Amendments to Regulation 8, Rule 18, Valve and Flanges at Petroleum Refinery Complexes, Regulation 8, Rule 22, Valve and Flanges at Chemical Plants, Regulation 8, Rule 25, Pumps and Compressor Seals at Petroleum Refineries and Chemical Plants, and Regulation 8, Rule 28, Pressure Relief Valves at Petroleum Refinery Complexes and Chemical Plants, dated July 26, 1989; stating the amendments were designed to correct deficiencies pointed out by EPA during the post-1987 State Implementation Plan (SIP) review; that the deficiencies must be addressed prior to October 1, 1989; and that a workshop had been held on May 25, 1989.

Mr. Kino stated the rule amendments required the repair of identified leaks in valves or flanges at refineries and chemical plants, and established record-keeping standards for all inspections; that the rule applied to six refineries in the District; and after discussion with interested parties which had attended the May 25 workshop, staff had added changes to reflect their concerns.

Director Diridon arrived at 9:53 a.m.

Mr. Kino reviewed the deficiencies pointed out by EPA and changes offered by workshop participants; stating the two-year record retention requirement, and staff's position that the rule should be expanded to address non-precursor organic compound emissions were two possible areas of disagreement between staff and the interested parties. Mr. Kino added that staff was recommending the Board approve the proposed amendment and to continue the public hearing to September 6, 1989.

Chairperson Campbell called for public testimony, and the following individuals came forward:

JULIA MAY
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

stated CBE felt the current modifications represented an improvement over the old version of the rule; that they were disappointed that the language addressing toxics in the previous version of the rule had been excluded; and that the rule needed to be expanded as soon as possible.

JOHN KNOBLOCK
CHEVRON U.S.A.
RICHMOND, CALIFORNIA

stated Chevron supported the changes; that it would be a financial burden costing several million dollars; and that based on emission factors used by staff, the changes appear to be cost effective.

Michael DeLeon
TOSCO Corporation
Martinez, California

stated TOSCO felt the emission reductions resulting from some of the changes would be very small, and the cost of manpower very large; and recommended a review of the rule changes' effectiveness within one year to determine if they were worth continuing. Mr. DeLeon stated additional time was needed in order to find the new valves.

The Board raised questions regarding the quarterly inspection requirements timetable; and Mr. Kino explained that the quarterly inspection requirement would be in effect until April 1990, giving parties eight months to identify and inspect the valves; adding that if additional information was received from affected parties, staff would reconsider the information.

ED SWIESZEZ
SHELL OIL COMPANY
MARTINEZ, CALIFORNIA

stated he generally supported the changes, but had serious concerns regarding the April 1990 quarterly inspection date; and proposed a date of January 1, 1991 to allow companies time to locate and identify valves, and to higher and train staff.

ERIC HENGST
ENVIRONMENTAL DIVISION
EXXON CORPORATION
BENICIA, CALIFORNIA

stated the requirement for quarterly and annual inspection of accessible and inaccessible valves and flanges, respectively, were areas of concern to Exxon; suggesting a provision be included regarding clear valve potential safety hazards; and that the inaccessible inspections' deadline be "by the end of 1990"; pointing out that an annual inspection program could be just as effective as a quarterly program.

DALE IVERSON
ENVIRONMENTAL CONTROL ENGINEER
UNOCAL, INC.
RODEO, CALIFORNIA

stated UNOCAL generally supported the rule amendment; that he strongly recommended that the frequency of inspection and time requirements be reconsidered; that he supported Exxon's proposal to have emissions frequency reduced; and that UNOCAL believed the inaccessible valve inspection requirement should be reviewed in the next year because they did not have good numbers on the leak frequency.

There was considerable Board discussion regarding the comments and suggestions made by the speakers; and Director Hughan requested staff report to the Board in one year regarding the effectiveness of the rule. Chairperson Campbell so ordered. After more discussion regarding the need for periodic review of the more restrictive rules for efficacy, Director Ogawa moved the proposed amendments be adopted at this time, and the hearing be continued to September 6, 1989; seconded by Director Eshoo; carried.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8,
RULE 42 REGARDING LARGE COMMERCIAL BAKERIES
(RESCHEDULED FROM SEPTEMBER 20, 1989)**

Chairperson Campbell stated this was a continued public hearing to consider Regulation 8, Rule 42: Large Commercial Bakeries, and the Board had determined it would defer the vote on the rule until September 20, 1989.

Director Corica stated he had been advised by the City of Alameda City Attorney that he should not participate in this hearing, because a member of his immediate family was employed by the Lucky supermarket chain, which would be involved in the bakery discussion.

Mr. Hess presented the APCO's report entitled, Continuation of Public Hearing to Consider Adoption of Regulation 8, Rule 42: Large Commercial Bakeries, dated July 27, 1989, and the report entitled, Revised Bakery Rule, dated July 31, 1989, and Fact Sheet, stating the revision related to the addition of Section 304 of Regulation 8, Rule 42, which sets forth procedures for the installation of new control bakery ovens in lieu of retrofitting existing bakery ovens; and that it was staff's position that the revision would yield a significant reduction of emissions. Mr. Hess continued stating the proposed rule now required the installation of controls on the highest emitting single stack at each of the large commercial bakery ovens by January 1, 1992, or in lieu of such retrofit controls requires that the existing ovens be replaced with new controlled ovens by January 1, 1994.

Mr. Hess reviewed the suggested revision of proposed Section 8-42-304 which would allow the APCO to place conditions on the permit to mandate the reduction be effectual; and the suggested revision to Section 8-42-602 which stated in lieu of emission measurements obtained, in accordance with Section 8-42-601, oven emissions may be calculated using the emission factors in Table I. Mr. Hess referred to Table I entitled, Ethanol Emissions from Bread Ovens within BAAQMD, describing the multi-stack tunnel oven used by Orowheat, the single-lap multi-stack oven used by Safeway, Langendorf, Lucky and Kilpatricks, and the six-stack, six-tier Lanham Oven used by the Continental Bakery. Mr. Hess reviewed the estimated potential emission reduction for single-incinerator single-stack options, the capital costs by control option, the installation date of ovens subject to the proposed rule, the cost-effectiveness of control options, and control option emission reductions.

Chairperson Campbell called for public testimony, and the following persons came forward:

ALAN RAMO
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

stating CBE could not support the rule as it was written; and that the old rule should be retained.

JOHN HOLTZCLAW, PhD
SIERRA CLUB
SAN FRANCISCO, CALIFORNIA

urged the Board to adopt the original rule that had been thoroughly discussed.

PATRICK CAFFERTY
AMERICAN BAKERS ASSOCIATION
SAN FRANCISCO, CALIFORNIA

reviewed the events having occurred since the December 1988 hearing; stating the American Bakers Association (ABA) continued to believe that the proposed rule was unnecessary because ethanol does not have any significant effect on air in the Bay Area; and that the amount was very small; adding that they would continue to work with staff in the hope of reaching a feasible resolution.

Using slides and overheads, Mr. Cafferty presented the concerns the ABA had with the original rule, which related to new ovens or single-stack oven controls on existing ovens; and the most cost-effective and technologically feasible methods of implementing the rule; and offered options of installation of (1) a single-incinerator using extensive duct work to tie the stacks from the various ovens together, (2) a single-incinerator for each oven stack, and (3) installation of one incinerator on a single-stack of a multi-stack oven.

Director Cooper noted that there appeared to be a big difference between the new oven and the existing oven; and the information which the Board had received previously.

FREDERICK POWNALL
AMERICAN BAKERS ASSOCIATION
SAN FRANCISCO, CALIFORNIA

stated the views of the ABA and his views remain the same for now.

SCOTT BOHNING
ENVIRONMENTAL ENGINEER
ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO, CALIFORNIA

stated EPA was glad the District was adopting this rule; that record-keeping was not addressed; and EPA would be reviewing the latest version of the rule in the next few weeks.

There was considerable discussion by the Board regarding the ovens, the amount of reduction expected, compliance with the California Clean Air Act, strengthening the rule, and adopting the language on September 20; and after Mr. Powell clarified that the Board could vote on the old or the new version or any combination thereof on September 20, Director Diridon moved that the hearing be continued to September 20 for review of the original and new version; seconded by Director Eshoo; carried:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
DIRIDON, ESHOO, GONZALEZ, HUGHAN, NICOLOPULOS, OGAWA, WHITE.

NOES: NONE.

ABSENT: CORICA, DAVIS, HARBERSON, McPEAK, WILSON.

Director Aramburu requested that staff present a report to the Board on the two versions at the September 6, 1989 Board meeting.

QUARTERLY REPORT OF HEARING BOARD

KENNETH A. MANASTER

Mr. Manaster presented the report entitled, Hearing Board Quarterly Report - April-June, 1989, dated August 2, 1989, stating there had been quite a large number of hearings during the last quarter; 21 Emergency Variances, as well as other cases that had been filed, but not yet heard.

Mr. Manaster stated gasoline bulk terminals were subject to the requirement that their vapor recovery systems be certified by the California Air Resources Board (CARB); that because CARB had not developed a test procedure that was reliable to certify vapor recovery systems at bulk plants and terminals are in compliance with the new, tighter vapor control requirements which took effect on April 1, 1988, a number of companies applied to the Hearing Board for variance protection. Mr. Manaster stated that the Southern Pacific Pipe Lines Partnership, L.P. had already applied for coverage and was heard by the Hearing Board in June 1989; that at that time it was decided to convert the request to a Class Action Variance. Mr. Manaster stated the Hearing Board had also heard abatement cases regarding odor nuisances and pointed out that the Board of Director agenda packets included a transcript of comments he had made at a hearing regarding odors.

Mr. Manaster stated Dr. Beard had retired from the Hearing Board and James Hughes, M.D. was the new Medical Profession category member; and he had already become a very enthusiastic member.

Director E. Campbell questioned when the bulk station material would be received by the Board, and Mr. Manaster replied he did not recall any specific date; and that the Hearing Board would issue an order regarding the variance for whatever time requested, or when the CARB certified the equipment.

REPORT OF AD HOC COMMITTEE ON RESOURCE RECOVERY FACILITIES

CHAIRPERSON DIRIDON

Director Diridon stated the Committee had met on July 27, 1989; that Ms. Linder had indicated the grants are being pursued for the educational forums; and there is some hope that the money will be forthcoming.

Director Diridon stated the Committee also received an excellent, presentation by Advisory Council member, Alvin J. Greenberg, PhD, regarding dioxins.

CONSIDERATION OF ENDORSEMENT FOR THE PLANNING AND CONSERVATION LEAGUE BALLOT INITIATIVE FOR THE CLEAN AIR AND RAIL TRANSPORTATION ACT

Director Diridon reviewed the APCO's report, entitled Planning and Conservation League Ballot Measure, dated July 25, 1989, stating the initiative would provide \$1,990 million for development of intercity, commuter and light rail transit throughout the state; that certain amounts would be allocated to specified state and local entities through a grant program administered by the California Transportation Commission; that the program would require some matching funds from local entities; and he was requesting the Board to vote to endorse the initiative.

Director Cooper stated he would like it noted that he abstains from the discussion or taking a stand on this issue.

Director Ogawa moved the Board endorse the initiative; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER (ABSTAIN), DIRIDON, ESHOO, HUGHAN, NICOLOPULOS, OGAWA, WHITE.

NOES: NONE.

ABSENT: CORICA, DAVIS, GONZALEZ, HARBERSON, McPEAK, WILSON.

Adopted **Resolution No. 1887**, *In the Matter of Endorsing the Clean Air and Transportation Improvement Act of 1990 Initiative*.

Director Diridon requested Chairperson Campbell transmit a letter to the Planning and Conservation League endorsing the proposed bill.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein stated the Board was scheduled to hear the Pacific Steel Casting (PSC) odor issue at the September Board meeting; that PSC had indicated in a recent letter that they would be unable to appear during September meeting, and requested the hearing be set for October. Chairperson Campbell so ordered.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell reminded the Board that the regular meeting of August 16 had been cancelled; and the August 30 Executive Committee meeting had been moved to August 16; stating all members of the Board are invited to attend.

BOARD MEMBERS' COMMENTS

Director Aramburu noted an article in the August 1, 1989 issue of the Marin Independent Journal, regarding BIG CHALLENGE: OUR DIRTY AIR; stating throughout the article there was no mention of the District and its efforts. Director Eshoo stated the lack of District coverage and their accomplishments was a concern she had expressed on more than one occasion; and hoped it would be addressed in the report she was requesting regarding public relations.

* * * * *

Director Eshoo noted the Board Communications from Dr. William McCormack and Prentiss Cole, and requested copies of the responses once they have been prepared.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, September 6, 1989, 939 Ellis Street, San Francisco, California 94109.

ADJOURNMENT

The meeting was adjourned at 12:21 p.m.

Respectfully submitted,

Carol Bradley
Clerk of the Boards

CB:jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Lakes Hall
Berkeley, CA 94720

FIRST CLASS MAIL

A/581
Sept. 6, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, SEPTEMBER 6, 1989

INSTITUTE OF GOVERNMENT
STUDIES LIBRARY

SEP 22 1989

UNIVERSITY OF CALIFORNIA

MINUTES

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL, CHAIR
ALBERT ARAMBURU
HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVENGER
PAUL COOPER

CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
ANNA ESHOO
JIM GONZALEZ
JIM HARBERSON

ROBERTA HUGHAN
SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
SUSANNE WILSON
BOB WHITE

BOARD MEMBERS ABSENT

NONE

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PhD

DANIEL PHELAN

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
JUDITH CUTINO
SENIOR ENGINEER
VICKI DVORAK
ENFORCEMENT SPECIALIST
JAMES R. GUTHRIE
DIRECTOR OF ENFORCEMENT DIVISION
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
WAYNE KINO
ENFORCEMENT SPECIALIST

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
THOMASINA MAYFIELD
ENFORCEMENT SPECIALIST
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES
MARY ROMAIDIS
DEPUTY CLERK OF THE BOARDS

CALL TO ORDER

Chairperson S. Campbell called the meeting to order at 9:40 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Daniel Phelan.

PUBLIC PRESENTATION

Chairperson Campbell presented, on behalf of the Board of Directors, a plaque to Director Wilson expressing appreciation for her Chairmanship during the last year. Chairperson Campbell stated Director Wilson has done an outstanding job in many areas. Director Wilson thanked the Board.

* * * * *

With respect to the Consent Calendar, Chairperson Campbell stated there is an addendum to Item No. 13 transferring \$50,000 from Reserve for Contingencies to the Field Study, and to increase the limit for those purchase orders from \$150,000 to \$250,000; that there is a Resolution before the Board members with respect to these changes. Chairperson Campbell stated this item needs to be approved as an urgency measure since it was not on the agenda; and it was so moved by Director Aramburu; seconded by Director Harberson; carried by voice vote unanimously.

* * * * *

Chairperson Campbell advised the Board that a revised version of Agenda Item No. 8 had been distributed.

* * * * *

Chairperson Campbell also noted that Item No. 12 has an addition stating that Director Hughan has requested travel funds to travel to Washington, D.C. on Clean Air Act business. Director Aramburu moved this be included as an emergency item; seconded by Director Ogawa; carried on voice vote unanimously.

* * * * *

Responding to Director Nicolopoulos, Mr. Feldstein explained under Item No. 11 that it was more advantageous to lease this equipment than to buy it as the District would then be able to use the most updated equipment.

Chairperson Campbell stated the Citizens for a Better Environment (CBE) letter under Item No. 6 will be addressed more fully under Agenda Item No. 19.

* * * * *

Responding to Director Eshoo with respect to Ms. Denton's letter on CFC's under Communications, Mr. Feldstein stated there are number of bills in the Legislature at present; that the District will need to find out what authority these bills would give to the District, and a response will be sent to Mrs. Denton in those terms. He indicated a copy of this response will be sent to Director Eshoo.

APPROVAL OF MINUTES OF AUGUST 2, 1989

DIVISION MONTHLY REPORTS FOR JULY

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending July 31, 1989, and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period July 1-31, 1989.

COMMUNICATIONS

PAUL COOPER, SECRETARY

The following communications were presented:

(7/20/89)
RICHARD D. KOEHLER III
GREENBRAE, CA.

(8/2/89)
NINYA KOPPICH
SAN RAFAEL, CA

(8/3/89)
ARTHUR DELL
SAN FRANCISCO, CA.

(8/7/89)
DONALD K. FREEDMAN, M.D.
PINOLE, CA.

(8/7/89)
ELEANOR HARVEY, M.D.
PINOLE, CA.

(8/7/89)
MS. JEAN BROWN
KENSINGTON, CA.

(8/17/89)
JOHN LAFRENTZ
SAN JOSE, CA.

urging adoption of air pollution control measures to attain the air quality standards of the Clean Air Act. (8/3/89)

(7/25/89)

GOVERNOR GEORGE DEUKMEJIAN
STATE OF CALIFORNIA GOVERNOR'S OFFICE
SACRAMENTO, CALIFORNIA

responding to the letter of William Reilly, EPA Administrator, regarding his request that by September 30, 1991 California develop and submit to EPA a revised State Implementation Plan to attain the national ambient air quality standards for ozone and carbon monoxide for the San Francisco Bay Area, while not requiring the same for other areas that have not attained the air quality standards.

(8/3/89)

OFFICE OF THE DIRECTOR
PUBLIC HEALTH DIVISION
CONTRA COSTA COUNTY HEALTH SERVICES DEPARTMENT
MARTINEZ, CALIFORNIA

enclosing Notice of Meeting of the Joint Contra Costa County Task Force and Bay Area Air Quality Management District on I.T. Corporation, set for December 11, 1989, as well as the Minutes of the Joint Task Force of July 10, 1989. (8/4/89)

(8/4/89)

JANANNE SHARPLESS
CHAIRPERSON
CALIFORNIA AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

o enclosing the Agenda for the August 25 meeting of the San Joaquin Valley Air Quality Study Policy Committee. (8/11/89)

o announcing the availability of the President's OCS Leasing and Development Task Force document entitled "Staff Summary of Environmental Concerns and Options", located in the Federal Register. (8/16/89)

o requesting suggestions for a protocol for making decisions which may need to be made between scheduled meetings of the San Joaquin Valley Air Quality Study Policy Committee. (8/21/89)

(8/10/89)

CHARLES COKER
LOS GATOS, CA.

(8/15/89)

MARY COTTON
SARATOGA, CA.

(8/15/89)

SALLY BISHOP
SAN JOSE, CA.

describing the physiological reactions to odors emitted from the Becton-Dickinson facility and requesting the ground level air sampling and toxicological analysis at the Becton-Dickinson facility in Los Gatos, California. (8/89)

(8/89)

TIME MAGAZINE, INC.
NEW YORK, NEW YORK

enclosing *TIME: Special Advertising Section: A Message from the Council for Solid Waste Solutions*, dated July 17, 1989, regarding recycling and solid waste management. (8/14/89)

(8/15/89)
MICHAEL CHURCH
EXECUTIVE DIRECTOR
REDEVELOPMENT AGENCY OF REDWOOD CITY
REDWOOD CITY, CALIFORNIA

enclosing a copy of the proposed Second Amendment to the Redevelopment Plan and the Preliminary Project Report on the proposed Second Amendment for the Redwood City Redevelopment Project No. 2. (8/15/89: *Transmitted to the Planning Division for commentary*).

(SUMMER 1989)
SAN JOAQUIN VALLEY AIR QUALITY STUDY NEWS
KAREN MAGLIANO, EDITOR
CALIFORNIA AIR RESOURCES BOARD

enclosing the Summer 1989 edition of the *San Joaquin Valley Air Quality Study News*. (8/16/89)

(8/18/89)
JAMES BOYD
EXECUTIVE OFFICER
CALIFORNIA AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

regarding the submission to the Air Resources Board of (1) an Attainment Plan by June 30, 1991, and (2) a Workplan within 60 days; and enclosing a guidance document for preparing an Attainment Plan entitled, ANSWERS TO COMMONLY ASKED QUESTIONS ABOUT THE CALIFORNIA CLEAN AIR ACT'S ATTAINMENT PLANNING REQUIREMENTS (CCAA GUIDANCE PAPER #1), prepared by the ARB Office of Air Quality Planning & Liaison, dated August 1989. (8/21/89)

(8/29/89)
ALAN RAMO
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

submitting the comments of Citizens for a Better Environment on the proposed rule for Large Commercial Bakeries. (8/29/89)

(8/24/89)
ELEANOR HUBBARD DENTON
SAN MATEO, CALIFORNIA

expressing concern over the lack of regulation on venting the ozone from an automobile air conditioning system; and requesting the District promulgate requirements that services stations post their methods of handling freon in automobile air conditioners and ultimately be required to recycle it during servicing. (8/29/89)

REFUNDS

The APCO's report entitled, Refunds, dated August 20, 1989, was presented.

Adopted **Resolution No. 1888**, *In the Matter of Reporting Refunds Due to Overpayment of Permit Fees.*

REJECTION OF CLAIMS AGAINST THE DISTRICT

The APCO's report entitled, Rejection of Claims Against the District, dated August 30, 1989, was presented.

APPROVAL OF PURCHASE ORDER IN EXCESS OF \$15,000

The APCO's report entitled, Authorization for APCO to Sign Purchase Order in Excess of \$15,000, dated August 30, 1989, was presented.

Adopted **Resolution No. 1889**, *In the Matter of Authorizing the Air Pollution Control Officer to Sign a Purchase Order in Excess of \$15,000.*

SET PUBLIC HEARINGS

The APCO's report entitled, Setting of Public Hearings - Conflict of Interested, dated August 8, 1989, was presented:

*FOR OCTOBER 18, 1989 TO CONSIDER ADOPTION OF REGULATION 11,
RULE 9 RELATING TO ETHYLENE OXIDE STERILIZERS*

*FOR OCTOBER 18, 1989 TO CONSIDER ADOPTION OF REGULATION 11,
RULE 9 RELATING TO CONTROL OF HEXAVALENT CHROMIUM IN COOLING TOWERS*

APPROVAL OF CONTRACT IN EXCESS OF \$15,000

The APCO's report entitled, Approval of Contract in Excess of \$15,000, dated August 30, 1989, was presented.

Adopted **Resolution No. 1890**, *In the Matter of Authorizing the Air Pollution Control Officer to Sign an Equipment Lease in Excess of \$15,000.*

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, dated August 30, 1989, was presented.

TRANSFER OF FUNDS

The APCO's report entitled, Approval for Transfer of Funds, dated August 30, 1989, was presented.

Adopted **Resolution No. 1891**, *In the Matter of Approving a Transfer of Funds from the Reserve for Office Equipment and Remodeling.*

Adopted **Resolution No. 1892**, *In the Matter of Amending Resolution No. 1883 and Approving a Transfer of Funds from the Reserve for Contingencies.*

Director Ogawa moved the adoption of the above Consent Calendar items; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, CORICA,
DIRIDON, ESHOO, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS,
OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: BRITT, DAVIS, GONZALEZ.

REPORT OF EXECUTIVE COMMITTEE

CHAIRPERSON CAMPBELL

Chairperson Campbell stated the Committee had met on August 16, 1989 and there were a number of items before the Committee. She stated there had been discussion on AB 2588, the toxics legislation, and discussion of Sher bill (2595) with respect to the California Clean Air Act. The Executive Committee will have ongoing discussions regarding the stipulation and requirements in the California Clean Air Act, and will keep the Board informed. The recommendation from the Executive Committee is that the Budget & Finance Committee do an oversight of the strategies and recommendations from staff on implementation of these strategies in the California Clean Air Act; that this should be done prior to next May when it is time to talk about budgeting; and that this will also necessitate the review by the Executive Committee of the resource requirement for the five year period of the implementation of the Sher Bill.

Director Wilson moved the acceptance of the recommendation of the Executive Committee to refer this to the Budget & Finance Committee; seconded by Director Aramburu; carried.

Chairperson Campbell stated the Executive Committee had also recommended a plaque of commendation be presented to Assemblyman Sher for the sponsorship of the legislation; that it is felt this legislation is going to give direction and show direction for the national standard. A motion was made by Director Wilson to accept the recommendation as presented by the Executive Committee; seconded by Director Eshoo; carried.

Chairperson Campbell reported that with respect to off-site tours for Boardmembers, there had also been discussion over the concern with liability, production methods and the Brown Act. The Committee recommended that if Boardmembers were interested in going on tours, they should be small groups and staff should be advised so the tours could be arranged.

Director Gonzalez arrived at 9:55 a.m.

REPORT OF AD HOC COMMITTEE ON RESOURCE RECOVERY FACILITIES

CHAIRPERSON DIRIDON

Chairperson Diridon stated the Committee had met on August 24, 1989, stating there had been discussion on the Technical Advisory Committee's (TAC) first draft of the primer; that there was a lot of detail included; that Brown, Vence & Associates is the consultant working on the project; and that the project is on schedule. He reported there was discussion on how to describe BACT so that it would be more interesting and more easily understood. Director Diridon reported the next draft of the primer will be available in October.

Director Diridon reported the waste-to-energy representative on the TAC is now Mr. Jim Aiello, Director of Government Affairs, Combustion Engineering, Inc., Windsor, Connecticut, replacing Mr. John Quiel, who resigned.

Director Davis arrived at 9:57 a.m.

Director Diridon reported there had been a slide presentation by Ms. Linder of the Stanislaus Resource Recovery Facility; that this was a state-of-the-art facility; and there is no visible pollution. He stated the facility recycles metals as well as other kinds of waste materials; that the output is electric energy, heat and 15% of the original bulk is calcified ash. Director Diridon stated the next meeting of the Resource Recovery Facilities Committee will be September 28, 1989, and will be at the Stanislaus facility. He indicated Boardmembers who wished to attend should contact staff by Wednesday, September 13, 1989.

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULES 18, 22, 25 AND 28 REGARDING REFINERY OPERATIONS

Director Britt arrived at 10:02 a.m.

Mr. Feldstein stated this had been presented to the Board at its August 2, 1989 meeting, but since new language had been presented the amendments could not be adopted at that time. Mr. Feldstein introduced Wayne Kino to make the presentation.

Mr. Kino presented the Air Pollution Control Officer's report entitled, Public Hearing on Proposed Amendments to Regulation 8, Rule 18, Valve and Flanges at Petroleum Refinery Complexes, Regulation 8, Rule 22, Valve and Flanges at Chemical Plants, Regulation 8, Rule 25, Pump and Compressor Seals at Petroleum Refineries and Chemical Plants, and Regulation 8, Rule 28, Pressure Relief Valves at Petroleum Refinery Complexes and Chemical Plants, dated August 30, 1989.

Chairperson Campbell opened the public hearing at 10:02 a.m.

Mr. Kino stated these rules regulate fugitive emissions in the following manner: 1) they require inspections of valves, flanges, pumps, compressors and pressure relief valves for leaks; 2) repair of the identified leaks within a specific timeframe; 3) require record-keeping of all inspectors and repairs. Mr. Kino reported a workshop was held on May 25, 1989 and, as a result of that workshop, staff amended the rule only for the EPA-identified State Implementation Plan (SIP) deficiencies, which must be corrected by October 1, 1989. The SIP deficiencies are: 1) to lower the vapor pressure exemption limit from 1.5 to 0.5 psi; 2) to eliminate the inaccessible equipment exemption; 3) to require quarterly, rather than annual, inspection of equipment; and 4) require record retention for two years. All of the amendments to the rules were presented at the August 2, 1989 public hearing, and there have been no changes since that public hearing.

Mr. Kino reported that 1) after further discussions and the affected parties, the timetable for previously exempt components has been accepted as proposed; 2) the suggestion of skipping required inspections after a component has been found to be leak-free for a specified number of inspections will be further reviewed with the parties, and staff will draft a proposal that would allow skipping of inspections based on performance, type of valve, operating temperature, pressure and type of service; and 3) staff believes an important issue for consideration at the next rule revision is that this regulation only regulates precursor organic compounds. He stated that staff does not recommend including other non-ozone producing compounds at this time because 1) any change in to include the regulation of non-precursor organic compounds would relax certain rule requirements, and any changes would have to be made in conjunction with other substantial changes in the rules in order to strengthen the rule requirements; and 2) the equipment currently used by the District to measure lacks the accuracy needed to detect the non-precursor organic compounds. Mr. Kino indicated the expansion of the rule to address non-precursor organic compounds will be considered, along with other substantial amendments, at the next rule revision. The tentative schedule for the next rule revision would be to hold workshops in March and May 1990, drafts completed by June 1990, and a public hearing would be held in August 1990. At this time, the staff recommends the Board of Directors adopt the proposed amendments.

Director Ogawa moved the public hearing be closed at 10:10 a.m.; seconded by Director Eshoo.

Director Eshoo moved adoption of the proposed amendments; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, CORICA, DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: NONE.

Adopted **Resolution No. 1893**, *In the Matter of Amending Rules 18, 22, 25 and 28 of Regulation 8 Relating to the Control of Organic Emissions at Chemical Plants and Petroleum Refineries.*

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULES 11, 12 AND 20 RELATING TO ALTERNATIVE EMISSIONS CONTROL PLANS (AECp)

Chairperson Campbell stated this item will be discussion and testimony taken, but it will be continued to September 20, 1989 as there is new language before the Board today.

Chairperson Campbell opened the public hearing at 10:11 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Ms. Thomasina Mayfield, Enforcement Specialist, presented the APCO's report entitled, Public Hearing on Proposed Amendments to Regulation 8, Rule 11, Metal Container Closure and Coil Coatings; Rule 12, Paper Fabric and Film Coating; and Rule 20, Graphic Arts Coating Operations; stating that these rules had deficiencies in their Alternative Emissions Control Plan (AECp). She stated with respect to Rule 11, there were some changes in the standards but the main focus was on the AECp. The amendments provided for 1) adoption of standards for drum reconditioning; 2) included a new standard for inks; 3) one standard for coatings relating to exterior body spray was changed from 4.3 to 3.5 pounds per gallon; and 4) there are additional record keeping requirements.

In discussion of the EPA's Emissions Trading Policy Statements published in the Federal Register, Ms. Mayfield stated the AECp, or "bubble", for the can coaters has not changed, however, there were coil coaters who were able to obtain a "bubble" under the old regulation but will not be able to do so under the amended one. She reported there are no coil coaters in the Bay Area that were under a "bubble", therefore, staff felt it was reasonable to eliminate this provision for the coil coaters. She stated there was very little comment at the August 11, 1989 workshop as industry had already been advised of EPA's decision on the AECp's.

Ms. Mayfield stated that with respect to Rule 12 AECp's, again the staff reviewed the plants subject to this rule and determined there were none that had a "bubble" under Rule 12; therefore, staff felt it was reasonable to eliminate this from the rule.

Under Rule 20, Ms. Mayfield stated the "bubble" provision is more complex because the it will be retained and is subject to the Federal Trading Policy. She stated for industry that applied for a "bubble" prior to May 26, 1988, it will be retained and they will not be required to meet the provisions of the Federal Trading Policy. The more stringent provisions of the Federal Trading Policy will apply to any company that seeks a "bubble" from the District after May 26, 1988 or later. Ms. Mayfield reviewed the Federal Trading Policy and baseline calculations; stating the Federal Trading Policy mandates a 20% over baseline calculation reduction. She stated that this rule is no longer generic; that it is a source-specific SIP revision.

In conclusion, Ms. Mayfield stated the proposed changes are mandated as a result of the EPA's actions; that there will not be any significant reduction in emissions as a result of these changes because they are primarily administrative; and the cost to industry to come into compliance is negligible.

Mr. Hess further explained that industry that uses the AECp's does so because there are no complying coatings available. Mr. Hess noted the District has eliminated the "bubble" in other rules as complying coatings have become available.

Chairperson Campbell stated the hearing in this matter will be continued to September 20, 1989.

Director Eshoo moved the public hearing be closed at 10:30 a.m.; seconded by Director Ogawa; carried.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 13,
RELATING TO LIGHT AND MEDIUM DUTY MOTOR VEHICLE ASSEMBLY PLANTS**

Chairperson Campbell stated this public hearing will also be continued to September 20, 1989.

Chairperson Campbell opened the public hearing at 10:31 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Ms. Vicki Dvorak, Enforcement Specialist, presented the APCO's report entitled, Proposed Amendments to Regulation 8, Rule 13, Light and Medium Duty Motor Vehicle Assembly Plants, dated August 29, 1989; stating there is only one source in the District under this rule, and that is New United Motors, Inc. (NUMI) in Fremont, California. She stated there was one workshop with the affected facility; that the resulting amendments will correct the EPA perceived deficiencies and conform the rule to other Regulation 8 rules of this District.

Ms. Dvorak stated the staff proposal will delete language exempting miscellaneous coating operations and incorporate the standards found in other rules, such as Rule 19 and Rule 31, into Rule 13. She reviewed the existing limits with respect to the transfer efficiency, stating that compliance can be achieved by a low VOC coating alone, or by a higher VOC coating with higher transfer efficient application equipment. Ms. Dvorak discussed compliance verification whereby facilities will have to demonstrate compliance through the application of the EPA Protocol on a yearly basis. She stated that because of the flexibility built into the new standard, staff believes the AECF currently in this rule is not necessary, and proposed to delete it. She indicated this has been discussed with the one facility, and they are in agreement.

She stated that there was additional language proposed for improved handling and storage of clean-up solvent, and that a record-keeping requirement is proposed for coatings other than electrophoretic primer. In conclusion, staff recommends the Board adopt the amendments as proposed on September 20, 1989.

Chairperson Campbell called for public testimony, and the following individual came forward:

TONY FISHER
MANAGER OF ENVIRONMENTAL AFFAIRS
NEW UNITED MOTOR MANUFACTURING, INC.
FREMONT, CALIFORNIA

stated NUMMI appreciated the cooperative effort made by District staff in responding to EPA's change requirements pertaining to this rule. He stated this is the first rule that takes all of the coatings and solvents relating to automotive vehicles and components and includes them in one central rule; that the rule allows for combining VOC content coatings with transfer efficiencies to demonstrate compliance; that the EPA Protocol and this rule only require transfer efficiency tests to be re-run if there is a significant modification to coatings or

application equipment. Mr. Fisher stated that NUMMI supports the proposed amendments to the rule.

Director Aramburu moved to continue the public hearing to September 20, 1989; seconded by Director Ogawa; carried.

Director Corica departed at 10:40 a.m.

DISCUSSION OF ISSUES RELATING TO PROPOSED BAKERY RULE

Mr. Peter Hess indicated staff had prepared two documents for the presentation today, and distributed the report entitled, Response to CBE Comments, dated September 6, 1989. He introduced Ms. Judy Cutino to make the presentation.

Ms. Cutino presented the APCO's report entitled, Discussion of Technical Issues Related to Proposed Bakery Rule, dated August 30, 1989, along with a handout entitled, Response to CBE Comments, undated; stating she has been working on this rule since mid-1985; that on August 2, 1989 there had been a public hearing on this matter; and the Board, at that time, indicated they had some questions. Ms. Cutino stated that at the August 2, 1989 public hearing, the single stack control option was introduced as a potential for this rule, and that is what seemed to have caused some controversy and confusion; that there were six items identified as follows:

- 1) If only one stack is controlled, the emissions will not escape out of the uncontrolled stack. Most ovens affected by the rule have two main stacks and if an incinerator is controlling the rear stack, and the system is operating properly, this will not affect emissions coming from the uncontrolled stack;
- 2) With respect to how the quantity of emissions was determined from each bakery oven stack, Ms. Cutino referred to page five of the APCO's report, stating a source test was done on all of the bakery ovens, which indicated most emissions came from the rear stack. In reviewing the table on page five, she stated the emissions from the rear stack tend to be higher, because most of the ethanol and water evaporates in the rear section of the oven and is exhausted out of the rear stack.
- 3) Ms. Cutino referred to page four of the report which lists factors associated with installing a new oven rather than retrofitting an existing oven; stating a major factor is the age of the ovens; that most of the ovens will be between 23 and 40 years old by 1992; that a determination will need to be made of the oven's useful life. She stated with the growing population, it may be more feasible to install a new oven that would have greater capacity. Another consideration is the current financial condition of the bakery; that an important consideration expressed by the bakeries is the business risk associated with retrofitting an existing oven, and the loss of production while the oven is being retrofitted.
- 4) Ms. Cutino reviewed the last page of the APCO's report which is a table comparing costs and emission reductions for multi-stack controls versus single-stack controls. She stated the cost per pound reduction for both is about the same.
- 5) Ms. Cutino reported that staff believes that controlling one stack of an existing bakery oven will meet the emissions reductions called for by the 1982 Plan; that emissions could be controlled by 90% which would be at least a 1.1 ton per day reduction; that the reduction would be more if several bakeries chose to install new ovens.

6) In conclusion, Ms. Cutino discussed the document entitled, Response to CBE Comments, which is a response to the August 29, 1989 letter from CBE on the District staff's calculations. She stated CBE feels only the multi-stack control option will provide the reduction stated in the 1982 Plan, but District staff calculations indicate the single stack control will meet the Plan goal. Ms. Cutino discussed the calculations from the new Continental Bakery oven, stating this controlled oven had replaced the uncontrolled oven at the Oakland plant. CBE has taken issue with the inclusion of these reductions in the calculations. Ms. Cutino stated the District feels the data used by CBE for the Oakland plant was not representative of the plant emissions because of its early closure before all data could be gathered.

In discussion, Ms. Cutino stated the District feels the San Francisco emissions are a replacement for the Oakland emissions, and they do not represent an increase; that there is a Kilpatrick's plant that has been shut down, and the District has not taken the reduction from the shutdown from this plant into its reduction calculations. She stated since the source testing was done, great pains have been taken to determine exactly what the emissions from the bakeries are; that it was agreed with the bakers that doing short-term source testing is not an accurate way to determine what the emissions are.

Chairperson Campbell called for public testimony, and the following individuals came forward:

ALAN RAMO
COUNSEL
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

stated reduction of emissions is needed, and that numbers should not be manipulated to come up with the 1.1 tons; that when new facilities move in, the controls on them should not be counted for reductions, or we will never meet the Plan. Mr. Ramo stated that one of the incentives for the bakeries to put in new ovens is the greater capacity; that this is why the Continental Bakery in San Francisco was opened, and he stated he feels there are far more emissions. Mr. Ramo requested that the Board look at the data before them, and make a decision based on that data.

PATRICK J. CAFFERTY
ATTORNEY AT LAW, REPRESENTING
THE AMERICAN BAKERS ASSOCIATION
SAN FRANCISCO, CALIFORNIA

stated the issue to be presented to the Board on September 20, 1989 is what constitutes Reasonable Available Control Technology (RACT) for bakery ovens. He stated the revised rule represents a compromise between the District staff and the American Bakers Association. He stated the ABA position is that RACT for bakery ovens is no controls, because of the negligible impact of ethanol on ozone formation, and that the technological uncertainty of imposing the controls, and the high cost of the controls, is a concern. Mr. Cafferty stated the ABA is in support of the revised rule which would require single-stack controls; that the revision represents a reasonable and sensible solution; that RACT should be set at single-stack controls.

GERALD R. FOX
FREDERIKSEN ENGINEERING COMPANY
OAKLAND, CALIFORNIA

stated he has over 20 years experience in retrofit and application for new controls for VOC's. Mr. Fox gave a brief explanation as to why the single stack control option is a reasonable way of resolving the RACT question, and why the multi-stack control option is not. Currently, in the baking industry, the air control is by operation of manual dampers, and there is also temperature control so the heat can be controlled depending upon the type of bread that is being baked. He stated that during the oven operation, things sometimes must be adjusted in a rapid manner to prevent the loss of the bread in the oven; that this is done by the manipulation of the dampers. He stated if the dampers have to feed two incinerators, there are more variables.

Mr. Fox stated with a retrofit situation, the baker is down for one day at a time, possibly two days per week. In starting up a new oven, there are a certain number of days set aside to adjust the controls, to make sure everything is operating properly. Mr. Fox stated the proposed modification to the regulation on the single-stack allows the bakers to remove one of the variables, which is the control of one of the stacks.

In conclusion, he stated it is felt that the compromise does reduce the problems, removes variables, and is most likely a workable situation. He did state, however, that it does not diminish the problem of construction in terms of disruption of the bakery during normal operations. In response to Director Aramburu, Mr. Fox explained the middle stack is for purge only and is shut down once the oven has been started up.

* * *

Ms. Cutino reviewed what the District did with respect to source-testing all of the ovens, stating that during a workshop, and in talking to the bakers, it was determined that the emissions from the ovens were not proportional to their capacity because of the amount of yeast in the dough and the fermentation time; that this varies substantially with different types of bread. She explained the District requested that the bakers give a weighted average, based on what kind of production they had for different kinds of bread in each oven. Ms. Cutino explained that in the case of the Oakland plant, the collection of all of this data could not be done at the time they were establishing the total emissions, because that plant had already closed. She also indicated that the Oakland plant had the only oven that was an indirect fired oven; and that the source test may not have been done at the right stack. She stated that when the information was given to CBE, it was made clear to them that there was not as much confidence in the 281 number as in the other numbers. She stated the District is very confident about the Continental plant because there is much more data on this plant.

* * *

JOHN HOLTZCLAW, PHD
SIERRA CLUB
SAN FRANCISCO, CALIFORNIA

urged the Board to keep an eye on the goal of meeting the California Clean Air Act in order to provide air that is health to breathe throughout the region; that the Board has a difficult target in meeting the standards; that what the Board is after is bringing the total emissions down. He stated that if the base for the bakery emissions is raised, getting the same reductions does not give the same total emissions after the source is controlled. Dr. Holtzclaw urged the Board to

consider the District staff's earlier recommendation and control all stacks in order to get the total emissions down to at least what was anticipated and agreed to in the 1982 SIP.

In discussion, Director Aramburu stated that if the Board were to take action on the single-stack option, there might be some control method by doing tracking and getting feedback on how successful this has been. Director Cooper stated his concern is the two-year delay to 1994 offered as an incentive to install new ovens. He questioned what the net results in terms of the ability to improve air quality if everyone decided to take the two years to install the new ovens. He stated we should look at other incentives to install new ovens other than the two-year delay, and possibly getting some initial reasonable controls in place now.

Director Nicolopoulos expressed concern about ethanol with respect to rotten vegetation and trees. In response, Mr. Feldstein stated our plan, at this point, addresses the man-made emissions; that if we reduce these emissions, we will then achieve the air quality standards.

Director Davis stated his concern was around the 281 number; that if you recognize some reduction for the Oakland plant prior to its closing, where does that put in terms of the 1.1 tons per day. Director Hughan stated that the Board needed to keep in mind that the 1982 Plan was just that, a Plan; that it was based on the best available knowledge at that time. She stated that each of the items has had months of staff time, and that there are more definitive answers now than in 1982, and that the Board should be dealing with the current numbers.

Chairperson Campbell stated that if the Board had any more questions they would like staff to address, they should advise the staff by 5:00 p.m. tomorrow so that they can be addressed at the September 20, 1989 meeting.

STAFF REPORT ON PUBLIC INFORMATION OUTREACH PLAN

Mr. Feldstein presented his report entitled, Proposals for Enhanced Public Education and Community Response Program, dated September 1, 1989; stating the Board had requested staff develop a program for Board consideration addressing several areas. After considerable discussion, it was determined this report should be referred to the Executive Committee and that the Executive Committee would then come back with a recommendation. A motion was made by Director Cooper recommending the staff report on Public Information Outreach Plan be referred to the Board Executive Committee; seconded by Director Davis; carried.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein announced that Mr. Jim Guthrie was the new Director of Enforcement, replacing Hulan Brinkley, who retired after 31 years with the District.

REPORT ON PROPOSED REVISION TO FEDERAL CLEAN AIR ACT LIMITING DISTRICT AUTHORITY RELATING TO MARINE LOADING

Mr. Feldstein presented his report entitled, Board Resolution Re: The President's Proposed Clean Air Act Amendments Preempting District Authority on Marine Loading, dated August 30, 1989; stating he had reviewed the text of the Administration's proposal on the Clean Air Act, and stated there will be many areas staff will be coming back to the Board on. He stated

there is one item that stands out, and that is the proposal in the Clean Air Act that any action on marine vessel standards be delayed until the EPA has made study of it; that the study is to be done within four years within the passage of the Clean Air Act. He stated this would mean the District would not be able to enforce what was adopted some time ago; that the purpose now is to ask the Board to approve the resolution opposing the federal preemption of state/local rules regarding marine loading emissions. Mr. Feldstein also urged Chairperson Campbell to call upon those people who have supported the District on Clean Air Act activities to also support the elimination of this proposal in the Clean Air Act.

Mr. Diridon moved adoption of the resolution; seconded by Mr. Cooper; carried on roll call:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON,
ESHOO, GONZALEZ, HARBERTSON, HUGHAN, McPEAK, NICOLOPULOS,
OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA.

Adopted **Resolution No. 1894**, *In the Matter of Opposing the Federal Preemption of State/Local Rules Regarding Marine Loading Emission as contained in the President's Proposed Clean Air Act Amendments.*

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell reported that mailgrams went out to all the State senators in Northern California urging them to vote on behalf of AB 1130 (Sher); that this is with respect to the motor vehicle fees and allocation thereof to the Air District for dispersal. Chairperson Campbell congratulated the Board on its 100% attendance.

BOARD MEMBERS' COMMENTS

Director Diridon reported that there had been a request for Speaker Brown to create a regional government exploration device in each of the four major regions in the State; that there is a need to examine regional government action in the State; that the Bay Vision 2020 process is already doing that. He stated that letters are being sent to Speaker Brown requesting that he designate the Bay Vision 2020 process as his process within the Bay region.

Chairperson Campbell announced that the Executive Committee of the Board will meet at 10:00 a.m., Thursday, September 21, 1989.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, September 20, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

The meeting adjourned at 12:06 p.m.

Respectfully submitted,

Mary Romaidis
Deputy Clerk of the Boards

MR:jc

**BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109**



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University of California
109 Moses Hall
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OCT 9 1989

UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, SEPTEMBER 20, 1989

MINUTES

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL, CHAIR
ALBERT ARAMBURU
HARRY BRITT
MARTHA CLEVINGER
PAUL COOPER

OSBY DAVIS
ROD DIRIDON
ANNA ESHOO
JIM GONZALEZ
JIM HARBERTSON

SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
BOB WHITE
SUSANNE WILSON

BOARD MEMBERS ABSENT

EDWARD CAMPBELL

CHUCK CORICA

ROBERTA HUGHAN

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PHD

DANIEL PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
JAMES R. GUTHRIE
DIRECTOR OF ENFORCEMENT DIVISION
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
JIM KARAS
AIR QUALITY ENGINEER MANAGER

TERESA GALVIN LEE
PUBLIC INFORMATION OFFICER
DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL

MARY ROMAIDIS
DEPUTY CLERK OF THE BOARDS

CALL TO ORDER

Chairperson Campbell called the meeting to order at 9:46 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced John Holtzclaw, PhD, and Daniel Phelan.

PUBLIC PRESENTATION

CAROLYN BOVAT
CONSULTANT
AMERICAN LUNG ASSOCIATION
OAKLAND, CALIFORNIA

stated she represents the American Lung Association of California, in particular the local affiliates in the Bay Area, and will be attending the Board meetings on a regular basis.

APPROVAL OF MINUTES OF SEPTEMBER 6, 1989

The Clerk indicated there was a correction on the minutes on page 15, the first full paragraph, line 6. The word "would" after "He stated" should be changed to "we."

DIVISION MONTHLY REPORTS

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending July 1-31, 1989, and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period August 1-31, 1989.

COMMUNICATIONS

PAUL COOPER, SECRETARY

The following communications were presented:

(9/11/89)
JOHN HOLTZCLAW, PhD
SIERRA CLUB
SAN FRANCISCO, CALIFORNIA

setting forth the opposition of the Sierra Club to the proposed federal Preemption of local District Marine Loading regulation by the President's Clean Air Act Proposals. (9/13/89)

(9/89)
BAY VISION 2020
METROCENTER
OAKLAND, CALIFORNIA

providing Notice of Meeting of Bay Vision 2020 Conveners, set for September 14, 1989 at 9:30 a.m., MetroCenter Auditorium, 101 8th Street, Oakland, California 94607. (9/13/89)

(9/89)
ASSOCIATION OF BAY AREA GOVERNMENTS
METROCENTER
OAKLAND, CALIFORNIA

enclosing Notice of Meeting of the Joint Air Quality Policy Committee for Thursday, September 14, 1989 at 11:00 a.m., ABAG Offices - Large Conference Room, 101 Eighth Street, Oakland, California 94607. (9/8/89)

(8/15/89)
TERRY MCGUIRE, CHIEF
TECHNICAL SUPPORT DIVISION
CALIFORNIA AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

enclosing the draft minutes of the August 25, 1989 meeting of the San Joaquin Valley Air Quality Policy Study Committee. (8/18/89)

(9/15/89)
PATRICK CAFFERTY
ATTORNEY AT LAW
AMERICAN BAKERS ASSOCIATION
SAN FRANCISCO, CALIFORNIA

enclosing the Comments of the American Bakers Association in Support of the Revised Proposed Bakery Oven Control Rule, along with the drawings referred to by Jerry Fox in his testimony on the proposed rules at the September 6, 1989 Board Regular Meeting. (9/18/89)

(9/13/89)
PETER FLOOD
PRESIDENT
THE FLOOD COMPANY
HUDSON, OHIO

enclosing letter from The Flood Company to its California customers--who were in exempt VOC regulated areas until September 1, 1989--explaining the Company's date code and VOC content information to be stamped on each of the product containers. (9/18/89)

SET PUBLIC HEARINGS

The Air Pollution Control Officer's report entitled, SETTING OF PUBLIC HEARINGS - CONFLICT OF INTEREST STATEMENT, dated September 12, 1989, was presented; setting public hearings for November 1, 1989:

*TO CONSIDER ADOPTION OF REGULATION 8, RULE 47
PERTAINING TO AIR STRIPPERS AND SOIL VAPOR EXTRACTION OPERATIONS;*

*TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 29
PERTAINING TO AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS;*

*TO CONSIDER ADOPTION OF LABORATORY PROCEDURE 33
PERTAINING TO WASTEWATER SEPARATORS INTO THE MANUAL OF PROCEDURES.*

*TO CONSIDER AMENDMENTS TO SOURCE TEST PROCEDURE ST-7 PERTAINING TO
NON-METHANE ORGANIC CARBON CONTAINED IN THE MANUAL OF PROCEDURES.*

REFUNDS

The APCO's report entitled, REFUNDS, dated September 13, 1989, was presented.

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, APPROVAL FOR OUT-OF-STATE TRAVEL, dated September 13, 1989, was presented.

AUTHORIZATION TO APPLY FOR EPA SUPPLEMENTAL GRANT

The APCO's report entitled, AUTHORIZATION TO APPLY FOR EPA SUPPLEMENTAL GRANT, dated September 13, 1989, was presented.

Adopted **Resolution No. 1895**, *In the Matter of Authorizing the Air Pollution Control Officer to Apply for an EPA Supplemental Grant.*

APPROVAL OF REVISED DEFERRED COMPENSATION PLAN

The APCO's report entitled, APPROVAL OF REVISED DEFERRED COMPENSATION PLAN, dated September 13, 1989, was presented.

Adopted **Resolution No. 1896**, *In the Matter of Approving a Revised Deferred Compensation Plan.*

Director Ogawa moved the adoption of the above Consent Calendar items; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON, ESHOO, HARBERSON, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, GONZALEZ, HUGHAN.

**CONTINUATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS
TO REGULATION 8, RULES 11, 12 AND 20
RELATING TO ALTERNATIVE EMISSION CONTROL PLANS (AECPL)**

Chairperson Campbell opened the public hearing at 9:51 a.m.; stating this is a continuation of the public hearing held on September 6, 1989.

Mr. Feldstein presented his report entitled, CONTINUATION OF THE PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO REGULATION 8, RULES 11, 12 AND 20 PERTAINING TO ALTERNATIVE EMISSION CONTROL PLANS, dated September 12, 1989.

Director Ogawa moved the public hearing be closed at 9:52 a.m.; seconded by Director Wilson.

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON, ESHOO, HARBERSON, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, GONZALEZ, HUGHAN.

Adopted **Resolution No. 1897**, *In the Matter of Amending Rules 11, 12 and 20 of Regulation 8 Relating to the Control of Organic Emissions.*

**CONTINUATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO
REGULATION 8 RULE 13 RELATING TO
LIGHT AND MEDIUM DUTY MOTOR VEHICLE ASSEMBLY PLANTS**

Chairperson Campbell opened the public hearing at 9:53 a.m.; stating this was a continuation of the public hearing held on September 6, 1989.

Mr. Feldstein presented his report entitled, CONTINUATION OF THE PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 13 PERTAINING TO LIGHT AND MEDIUM DUTY MOTOR VEHICLE ASSEMBLY PLANTS, dated September 12, 1989.

Director Ogawa moved the public hearing be closed at 9:54 a.m.; seconded by Director Eshoo.

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVENGER, COOPER, DAVIS, DIRIDON, ESHOO, HARBERSON, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, GONZALEZ, HUGHAN.

Adopted **Resolution No. 1898**, *In the Matter of Amending Rule 13 of Regulation 8 Relating to the Control of Organic Emissions at Light and Medium Duty Motor Vehicle Assembly Plants.*

**CONTINUATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO
REGULATION 8 RULE 42 REGARDING LARGE COMMERCIAL BAKERIES**

Mr. Feldstein presented his report entitled, CONTINUATION OF THE PUBLIC HEARINGS TO CONSIDER ADOPTION OF REGULATION 8, RULE 42: LARGE COMMERCIAL BREAD BAKERIES, dated September 12, 1989; stating there is a staff report and he presented the Clerk with the tapes from the September 6, 1989 meeting in which this issue was discussed and indicated these tapes will become a part of the record of these hearings; additionally, the material given out at the September 6, 1989 meeting will also become part of the record.

A chart entitled, Comparison of Control Options, dated September 20, 1989, was distributed to the Board. Mr. Feldstein reviewed the four options staff is presenting as follows:

- 1) All emitting stacks are controlled with an implementation date of January 1, 1992; there is no extension for putting in new ovens; this was the original staff proposal in December 1988. This option will achieve reductions of 1.5 tons per day (T/D) in 1992.
- 2) Controls on all stacks by January 1, 1992; but includes an option that would allow the parties to delay installation of they opt to put in new ovens. This would allow a delay to January 1, 1994 for installation of the new ovens; the reductions would be 1.5 T/D but would not occur until 1994.

- 3) The highest single emitting stack would be controlled; installation would be by January 1, 1992. There is an extension to 1994 if the bakeries opt to put in new ovens; if no one puts in new ovens, reductions achieved would be 1.1 T/D; if new ovens are installed, a reduction of 1.5 T/D would be achieved in 1994.
- 4) This option controls the highest emitting single stack in 1992, but there is no option to put in new ovens. The 1.1 T/D reduction would be achieved by 1992.

All options will achieve at least a 1.1 T/D reduction, but the difference is on the date in which that occurs. Mr. Feldstein stated staff is recommending the Board adopt Option No. 3 because it represents new controls, it controls an industry that has never been controlled before, and minimizes the risk to the bakeries.

In discussion, Mr. Feldstein stated the staff analysis was based on the fact that the ovens are 20-25 years old and the bakeries may be ready for new ovens; that it is also based on the fact that the Bay Area is growing and the bakeries may want to expand their productivity; that they cannot expand with the current ovens. Mr. Feldstein stated there is no indication at this point from the bakeries on how many will install new ovens. Mr. Feldstein explained that if problems arose in implementation and there were delays, the bakeries could apply to the Hearing Board for relief, and that this option was always available.

Director Ogawa stated that it seemed that industry and staff have come up with a compromise, are willing to work together, and felt the Board should support the staff recommendation at this time.

Director Gonzalez arrived at 10:09 a.m.

In discussion, Mr. Feldstein stated that under Option No. 3 there is a range of reduction from 1.1 to 1.5 T/D, with the 1.1 reduction in 1992 if the bakeries decide to retrofit; but if all bakeries put in new ovens, the reduction will not occur until 1994. He stated in terms of emission reductions, new ovens and retrofitting would produce the same reductions. Mr. Feldstein explained that the bakers would need until 1994 to install the new ovens because they would need time to design, fabricate, purchase and engineer the new ovens; that staff feels two years is sufficient time within which to do this.

In response to Director McPeak, Mr. Hess explained that the sanctions and penalties are included in the Health and Safety Code and not usually included in the regulations; that if the bakeries do not meet the schedule, they will be in violation of the regulations, and the District would enforce the deadlines in Section 402 of the regulation.

In response to Director Davis, Mr. Hess stated the 1.1 T/D included reductions achieved by the Continental Bakery in San Francisco, including those from the Oakland plant that was closed. He stated the difference is about .2 T/D, or 400 lbs. per day on emission totals. Mr. Feldstein added that the 1982 Plan included emissions from all bakeries, including Continental, and that is how the 1.1 T/D desired goal was arrived at.

There was discussion on the Order issued from the U.S. District Court; Mr. Feldstein stated that the adoption by the District by September 30, 1989 of a bakery rule calls for the reduction as described in the 1982 Plan.

Director Diridon stated the two issues are 1) how is the 1.1 T/D calculated by staff, and 2) will the 1.1 T/D as calculated by staff comply with the federal ruling.

Chairperson Campbell opened the public hearing at 10:31 a.m.

ALAN RAMO
CITIZENS FOR A BETTER ENVIRONMENT
SAN FRANCISCO, CALIFORNIA

Mr. Ramo reviewed the requirement of the Court Order; stating CBE would like implementation as soon as possible and wants the emission reductions; that the strong rules are the ones acceptable to CBE; that the later implementation date would be acceptable, if it is acceptable to the bakers, and if the emission reductions were there. Mr. Ramo discussed the fact that there are no easy reductions left; that there are some broader decisions that will have to be made with respect to MTC; that staff and CBE are working with the NUMMI and reductions that can be achieved; that other types of reductions, such as carpooling, public transportation, etc., need to be looked at. He stated the important thing is to reduce pollution and protect people's health. In discussion, Mr. Hess stated the only figures that could be reduced by .2 T/D are the 1.1 figures; that staff feels the 1.1 figure is correct.

PATRICK CAFFERTY
ATTORNEY AT LAW, REPRESENTING
THE AMERICAN BAKERS ASSOCIATION

stated the American Bakers Association supports Option No. 3 as it constitutes RACT for bakery ovens. He stated this option minimizes the technological uncertainty and risk of installing retrofit on bakery ovens; and provides an incentive to install new ovens. He stated no one has retrofitted ovens at this time and reviewed the fact that several jurisdictions are considering retrofit, but none have required it to date; that two jurisdictions have decided not to require retrofit of bakery ovens. He stated the only new ovens equipped with controls are single stack ovens, one is the Continental oven and there is another one in the South Coast. He stated only one new multi-stack oven has been considered for controls; that it had been determined only one stack needed to be controlled; that this oven was located in Pennsylvania.

Mr. Cafferty reviewed the difficulty in the multi-stack controls on existing bakery ovens; that risks can be minimized by going with Option No. 3, and urged the Board to adopt Option No. 3.

In conclusion, Mr. Cafferty stated the 1.1 T/D calculation was solid for the following reasons: 1) it is appropriate to count the reductions from the new Continental Bakery because the equipping of the bakery occurred as part of the demonstration program to support this rule; 2) under Option No. 2, there is the possibility there would be one more bakeries that would go to new ovens in lieu of retrofitting; and 3) it is important to consider the change in bakery oven operations in the Bay Area which involves the consolidation of operations by the Kilpatrick bakery; that there were two bakeries, in the area, but now there is only one; that the one bakery has reduced production; and that this accounts for about 40% of the total of the two bakeries since 1982. This consolidation provides additional reductions to the 1.1 T/D.

BOB THOMPSON
KILPATRICKS BAKERIES, INC.
OAKLAND, CALIFORNIA

stated he would like to address the business risk of retrofitting an oven with an afterburner. Mr. Thompson stated he bakes 5 and 1/2 days a week with minimal down time for maintenance and clean-up; that 40 different varieties of bread are baked under five different labels; and that there is no warehouse or freezer inventory. He stated his customers have product specification and delivery time frames; that if he cannot meet the deadlines, his business would go to someone else who could meet them. He discussed the break-in time for retrofit, and the fact that there would be time lost in delivery of the product and meeting deadlines. Mr. Thompson stated he is willing to take the risk of retrofitting one stack.

Responding to Director Eshoo, Mr. Thompson stated that at the existing facility, he could not put in a new oven. He stated the only way to install a new oven would be to shut down the old oven, tear it out, and build a new oven on-site. He stated their business plan goes out over ten years, and that any new ovens in that plan may not be for the bakery in Oakland.

* * *

Director Gonzalez referred to the 1982 SIP plan making references to cost-effectiveness and technological feasibility when a rule is adopted. He reviewed several letters he had received that address this issue with respect to installing an afterburner, and the fact that benzene would be burned. Mr. Feldstein responded that benzene, in this instance, is a trace organic of natural gas and the quantities are small enough that staff feels it will not pose a health risk.

* * *

GERALD FOX
FREDERIKSEN ENGINEERING COMPANY
AMERICAN BAKERS ASSOCIATION
OAKLAND, CALIFORNIA

responding to Director Gonzalez and the question of an explosion, Mr. Fox stated there is the potential because natural gas can accumulate on fire-up; that during start-up, the oven is purged, but the risk is still there. Mr. Fox stated this would be addressed in the design; that it is difficult to quantify the risks associated with one versus two stacks; that the risk would more than likely be increased by retrofitting both stacks. He stated on new ovens, the equipment is designed in from the start; that during start-up of a new oven, there is an extended period of time to bring it up and get it right before major production is started.

FREDERICK M. POWNALL
BAY AREA BAKERIES
SAN FRANCISCO, CALIFORNIA

stated he would like to focus on multi-stack versus single-stack risks. Mr. Pownall stated the single stack control risk is acceptable because the bakeries believe they will get the 1.1 T/D reduction; that the single stack control will not disrupt their business. He stated the multi-stack risk is unacceptable because it can disrupt the process of baking the bread; that this option is not compatible with the requirements of running a bakery.

JOHN HOLTZCLAW, PhD
SIERRA CLUB
SAN FRANCISCO

urged the Board to adopt Option No. 1; and to keep an eye on the ultimate goal of meeting the federal and state of providing breathable and healthy air in this region. He stated in 1988, this region violated the state standards at least 40 times; that we need all the reductions we can get.

RICK SAWYER
CENTRAL LABOR COUNCIL OF SANTA CLARA
AND SAN BENITO COUNTY AFL-CIO
SAN JOSE, CALIFORNIA

stated this Board has a Court Order which must be complied with; that the statement by CBE that the citizens are in agreement to equally share the burden is fallacious; and feel this will not be the case if anything but Option No. 3 is adopted. He stated that in the case of Santa Clara County, that if extreme standards are imposed, the Langendorf Bakery will move out of the area; that this represents approximately 250 jobs; that the plant is old; the plant has a small market share in the Bay Area; and it is the only facility that Langendorf has in Northern California. Mr. Sawyer stated he felt the cost is not going to be equally shared; and that the cost would be unreasonable. He stated if the Board believes that staff has made a good faith effort to recommend an option which they believe would comply with all criteria, there should be no reason why the Board should not choose to follow the staff's recommendation. He stated there was a need to adopt reasonable regulations and not place an undue hardship on enterprise, and urged the Board to adopt Option No. 3.

ART PULASKI
SAN MATEO LABOR COUNCIL
SAN MATEO, CALIFORNIA

stated that he felt the Board should rely on the staff as the primary objective source for the data with respect to the 1.1 T/D reduction. He stated that the San Mateo Labor Counsel represents the interest of about 70,000 workers in San Mateo County; that they are interested in their jobs, the quality of life, and a healthy environment for these people. He stated one important factor the staff considered was the increased demand; that the staff recommendation gives the bakeries an option to improve their ovens or put in new ones. Mr. Pulaski stated the staff recommendation forces the bakeries to abide by their social obligation and urged the Board to adopt Option No. 3.

LEW GIRAUDO
SAN FRANCISCO FRENCH BREAD COMPANY
OAKLAND, CALIFORNIA

stated he is president of the San Francisco French Bread Company; that they are exempt from the regulation because of the nature of the product, but have participated in the process because of their interest in the baking industry. He stated he felt staff had done a good job and the option that has been recommended is the most reasonable option; that it would give a solid 1.1 T/D reduction; it would give the bakeries an opportunity to properly plan and engineer the emission control. Mr. Giraudo stated he felt that the regulation would lead the way for the rest of the nation.

Director Ogawa moved the public hearing be closed at 11:45 a.m.; seconded by Director Aramburu.

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, CORICA, DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, HUGHAN.

Chairperson Campbell reminded the Board that there were four options, and that ten affirmative votes will be needed to adopt any one of them.

In discussion, Director Davis suggested an alternative means of handling this. He suggested Option No. 3, and at the same time, put into place, since there is a time schedule by January 1, 1991 when a plan must be submitted by the bakeries describing the method proposed to be used to come into compliance with the rule, that if at that time nobody has put in a plan that would generate a new oven or two such that the 1.1 T/D can become solid, then the regulation would revert to one of the other options, such as No. 1 or No. 2. He indicated the bakeries would know ahead of time that they will be required to meet one of the other options unless someone submits a plan by the deadline date by 1991. He stated this would give the bakers time and at the same time would keep the District within the 1.1 T/D reduction, and felt this would resolve the matter.

In response to Director McPeak, Mr. Powell stated he felt the Board could, in good faith, accept the staff representation that the 1.1 T/D reduction will be achieved; that staff is convinced it does achieve 1.1 T/D, and Mr. Ramo is convinced it does not; that he is not sure what the judge would do.

Director McPeak stated she felt the staff position is reasonable, and would support Director Davis' recommendation. She stated that control on the highest stack with incentive for new ovens is the direction the Board should pursue; that the District would know by January 1, 1991, as proposed in the schedule in Option No. 3, whether or not there will be plans that will achieve the 1.5 T/D with the new oven option; that if there are not, then control on all stacks goes into place. She stated that with this alternative, CBE is assured of what they are asking for. Director Ogawa concurred with Director McPeak's statement and offered his support of Director Davis' recommendation.

In discussion on if Option No. 2 would automatically kick in, Director Aramburu stated he felt there should be technology forcing; that some of the old ovens needed to be replaced, and that the bakeries are going to put in new ovens or would have to retrofit the multi-stacks, which they do not want to do.

Director Britt stated everyone agrees there is a need to reach the 1.1 T/D reduction; that it be done as quickly as possible; and be reasonable with the needs of the bakers. He stated he felt that Option No. 1 should be adopted and the Board should provide the flexibility to move to Option No. 2 or No. 3 depending on some future event, such as new ovens. He stated it would be a mistake to adopt a more liberal rule now, and felt that Option No. 1 is the only option that satisfies the 1.1 T/D reduction; that to make it more liberal in the future, the bakeries might then at some point indicate they need more time.

Director Cooper indicated his agreement with Director Britt's suggestion; that he is bothered by Option No. 3 because the numbers are not "solid"; that by 1992, there could no reductions, or there could be a 1.1 reduction, but there is no certainty. He stated that if the more stringent approach is taken as in Option No. 1, and there isn't the movement from industry to do the things that are needed, then Option No. 1 should stay in place, but if there is movement from industry, then he has no objection to going to Option No. 3 automatically. Director Cooper stated his biggest concern with Option No. 3 is that there could be a delay in any action in improving the air until 1994, if all the bakeries chose to put in new ovens, and offered his support of Director Britt's suggestion of Option No. 1 and then automatically going to Option No. 3. Director White indicated his support of Option No. 3.

Director Davis moved the adoption of Option No. 3, with an addition ~~that if~~ by the deadline called for in Option No. 3 of January 1, 1991, there are not sufficient numbers of bakeries committed to new ovens so that the District will achieve the 1.1 T/D reduction, then Option No. 2 would automatically fall into place with control on all stacks.

Director Davis added to the motion that this item would come back to the Board in November to set a hearing to modify the date such that the 1991 election date could be changed to March 1990; Director McPeak seconded the motion.

In discussion, Director Aramburu urged that Director Britt make a substitute motion. Director Britt then made the following substitute motion: that the Board adopt Option No. 1, subject to the condition that if industry comes back with a plan by January 1, 1991 that will achieve the 1.1 T/D reduction, that would be a trigger to go to a more flexible option; seconded by Director Aramburu.

There was discussion on relaxation of an adopted rule at a later date which would not be approvable.

The roll on call on the substitute motion was taken as follows:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, DIRIDON, ESHOO, WILSON.

NOES: DAVIS, GONZALEZ, McPEAK, NICOLOPULOS, OGAWA, WHITE.

ABSENT: E. CAMPBELL, CORICA, HARBERSON, HUGHAN.

The substitute motion was defeated.

The motion by Director Davis was repeated as follows: The Board adopt Option No. 3, and if by January 1, 1991, there are no proposals for a new oven that will guarantee at least the 1.1 T/D reduction, Option No. 2 will automatically fall into place; and staff will bring this back to the Board no later than the second meeting in November for consideration by this Board of moving up the January 1, 1991 date to a sooner date.

There being no further discussion, roll call was taken and the motion passed on roll call:

AYES: ARAMBURU, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON,
GONZALEZ, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: BRITT, ESHOO.

ABSENT: E. CAMPBELL, CORICA, HARBERSON, HUGHAN.

Adopted Resolution No. 1899, *In the Matter of Adopting Regulation 8, Rule 42: Large Commercial Bread Bakeries.*

BAY VISION 20/20

DIRECTOR DIRIDON

It was requested this matter be deferred to the next meeting and was so ordered by the Chair.

SLIDE PRESENTATION ON STANISLAUS COUNTY WASTE-TO-ENERGY PLANT

It was requested this matter be deferred and was so ordered by the Chair.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

California Rideshare Week: October 2-6, 1989

Mr. Feldstein advised the Board that October 2-6, 1989 was Rideshare Week. Director Diridon stated there should be a contest to the cities and counties whereby there is a challenge for them to meet the number of people on this Board that find pledges to take public transit on October 5, 1989.

Director Ogawa moved the adoption of the resolution; seconded by Director Clevenger; carried.

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON,
ESHOO, GONZALEZ, HARBERSON, McPEAK, NICOLOPULOS, OGAWA,
WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, HUGHAN.

Adopted Resolution No. 1900, *In the Matter of Endorsing California Rideshare Week.*

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell reminded the Board that the trip to the Stanislaus Resource Recovery had been cancelled. Chairperson Campbell also reminded the Board the Executive Committee would be meeting at 10:00 a.m. tomorrow, September 21, 1989, at the District.

BOARD MEMBERS' COMMENTS

There were none.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, October 4, 1989, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

The meeting adjourned at 12:35 p.m.

Respectfully submitted,

Mary Romaidis
Deputy Clerk of the Boards

MR:jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

FIRST CLASS MAIL

11581
OCT. 4, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, OCTOBER 4, 1989 ✓

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

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UNIVERSITY OF CALIFORNIA

MINUTES

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL,
CHAIR
ALBERT ARAMBURU
HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVINGER

PAUL COOPER
CHUCK CORICA
OSBY DAVIS
ROD DIRIDON
ANNA ESHOO
JIM GONZALEZ

JIM HARBERTSON
ROBERTA HUGHAN
SUNNE MCPHAK
GUS NICOLOPULOS
FRANK OGAWA
SUSANNE WILSON

BOARD MEMBERS ABSENT

BOB WHITE

ADVISORY COUNCIL MEMBERS PRESENT

ALVIN J. GREENBERG, PhD

MICHAEL LIPSETT, M.D.

DANIEL V. PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
JACK R. LEAN
MANAGER OF ENFORCEMENT SERVICES
JAMES R. GUTHRIE
DIRECTOR OF ENFORCEMENT DIVISION
DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES

ELLEN LINDER
ADVANCED PROJECTS ADVISOR
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
JAY WITHERSPOON
SENIOR ENGINEER

CAROL BRADLEY
CLERK OF THE BOARDS

CLOSED SESSION

At 9:30 a.m. Chairperson Campbell announced that on September 19, 1989 Judge Henderson issued an Order in consolidated cases C89-2044TEH and C89-2064TEH pending in the U.S. District Court for the Northern District of California which were filed by CBE and the Sierra Club; and the Closed Session was being held pursuant to subdivision (a) of Section 54956.9 in order for the Board to *Discuss Litigation Against the District*; in addition to *Instruct Designated Representatives Pursuant to Government Code Section 54957.6*. The Closed Session was adjourned at 9:57 a.m.

CALL TO ORDER

Chairperson Campbell called the meeting to order at 10:03 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Dr. Alvin Greenberg and Mr. Daniel Phelan.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF SEPTEMBER 20, 1989**COMMUNICATIONS**

PAUL COOPER, SECRETARY

The following communications were presented:

(9/19/89)
FIONA HOLLINS
LOS ALTOS, CALIFORNIA

urging adoption of measures to ensure clean air in the Bay Area. (9/22/89)

(9/22/89)

WENDEL BRUNNER, M.D.

DIRECTOR OF PUBLIC HEALTH

CONTRA COSTA COUNTY HEALTH SERVICES DEPARTMENT

MARTINEZ, CALIFORNIA

regarding the request of I.T. Corporation for a variance to allow the pumping of liquid hazardous wastes between evaporation ponds at its land disposal; and announcing a public hearing on the matter scheduled for Tuesday, October 10, 1989 at 2:00 p.m. in the Health Services Department Room No. 107, 20 Allen Street, Martinez, California. (9/27/89)

(9/27/89)

STEVEN R. SHEPHERD, PRESIDENT

SHEPHERD & SON, INC.

SAN LEANDRO, CALIFORNIA

submitting commentary on the use of paints with lower VOC content. (10/2/89)

(9/28/89)

ROBERT T. PARRY, CHAIRMAN

BAY AREA ECONOMIC FORUM

SAN FRANCISCO, CALIFORNIA

encouraging adoption of transportation control measures based on sound economic principles. (10/3/89)

(9/29/89)

NEIGHBORS FOR CLEAN AIR

BERKELEY, CALIFORNIA

submitting the comments of Neighbors for Clean Air with respect to the odor nuisance problem at Pacific Steel Casting Company in Berkeley, California. (10/3/89)

REFUNDS

The APCO's report entitled, REFUNDS, dated September 27, 1989, was presented.

Adopted **Resolution No. 1901**, *In the Matter of Reporting Refunds Due to Overpayment of Permit Fees.*

TRANSFER OF FUNDS

The APCO's report entitled, TRANSFER OF FUNDS, dated September 27, 1989, was presented.

Adopted **Resolution No. 1902**, *In the Matter of Approving a Transfer of Funds Between Accounts.*

SET PUBLIC HEARINGS

The APCO's report entitled, Setting of Public Hearings - Conflict of Interest Statement, dated September 18, 1989, was presented and set public hearings for:

*NOVEMBER 15, 1989 TO CONSIDER AMENDMENTS TO REGULATION 3,
FEES, CONCERNING ACID DEPOSITION*

*NOVEMBER 15, 1989 TO CONSIDER AMENDMENTS TO MANUAL OF
PROCEDURES, VOLUME III, LABORATORY METHOD 31
REGARDING PAINT STRIPPERS*

*NOVEMBER 15, 1989 TO CONSIDER AMENDMENTS TO REGULATION 8, RULE
42 REGARDING LARGE COMMERCIAL BREAD BAKERIES.*

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, APPROVAL FOR OUT-OF-STATE TRAVEL, dated September 27, 1989, was presented.

**APPROVAL OF RESOLUTION SUPPORTING GRANT APPLICATION
FOR FUNDING OF RESOURCE RECOVERY FORUMS**

The APCO's report entitled, GRANT APPLICATION FOR FUNDING RESOURCE RECOVERY FORUMS, dated September 27, 1989, was presented.

Adopted **Resolution No. 1903**, *In the Matter of Authorizing the Air Pollution Control Officer to Submit a Grant Application to the California Energy Commission.*

Director Ogawa moved the adoption of the above Consent Calendar items; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
CORICA, DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERTSON, HUGHAN,
MCPEAK, NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: WHITE.

REPORT OF EXECUTIVE COMMITTEE

CHAIRPERSON CAMPBELL

Chairperson Campbell stated the Committee had met on September 21, 1989 at the Board's direction to review the proposals for an enhanced public education and public relations program; that the Committee had culled through the items and directed staff to further expand on some of the proposals, and to eliminate others; and that the meeting was continued to 10:00 a.m., Thursday, October 19, 1989 at which time the Committee would consider the amended staff proposal.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8,
RULE 8 REGARDING WASTEWATER (OIL-WATER) SEPARATORS**

Chairperson Campbell opened the public hearing at 10:06 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Witherspoon presented the APCO's report entitled, PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO REGULATION 8, RULE 8: WASTEWATER SEPARATORS, dated September 26, 1989; stating the proposed rule amendment was being considered in an effort to obtain additional organic compound emission reductions from wastewater treatment systems and to control odorous emissions from slop oil and sludge dewatering facilities. Mr. Witherspoon stated the amended regulations strengthened controls on oil waste separators; required additional controls on other wastewater streams from these facilities, and required odor-controlling devices on sludge dewatering units; that the organic compound emissions from wastewater treatment systems would be cost-effectively reduced by 1.3 tpd; that seven Bay Area refineries and various other facilities with industrial wastewater separators would be affected; and the total cost per facility for retrofit on control devices is estimated between \$60,000 and \$270,000 which correlates to between \$ 0.14 and \$ 1.90 per pound of organics reduced.

Mr. Witherspoon stated well-attended workshops were held on October 28, 1988 and April 21, 1989; and that due to additional information received by staff and incorporated in the proposed amendment after the Notice of Public Hearing was made, the Board could only receive public testimony today and continue the hearing to the next regularly scheduled Board meeting of Wednesday, October 18, 1989.

There were no questions by the Boardmembers; Chairperson Campbell called for public testimony, and the following individuals came forth:

ED SWIESZCZ
SHELL OIL COMPANY
MARTINEZ, CALIFORNIA

stated Shell shared the desire to achieve air quality standards, and agreed with staff's proposal; also commended staff on the way the workshop process was conducted.

JOHN KNOBLOCK
CHEVRON, U.S.A.
RICHMOND, CALIFORNIA

stated Chevron supported the rule as presented by staff; and thanked staff for their time and effort to help with field studies to develop a realistic rule.

DAN PHELAN
BALIA
SAN FRANCISCO, CALIFORNIA

stated he felt this was a tough, all-inclusive rule--though complicated, and that clarification was expected as the rule was put into action; that he felt staff had done an excellent job; and a considerable amount of money would be spent.

Chairperson Campbell stated the public hearing would be continued to Wednesday, October 18, 1989.

STAFF REPORT ON ENFORCEMENT PROCEDURES

Mr. Feldstein presented his report entitled, UPDATE ON ISSUES RELATING TO DISTRICT COMPLAINT CONFIRMATION AND ENFORCEMENT POLICY CONCERNING PACIFIC STEEL CASTING COMPANY, dated September 20, 1989; reviewing the history of the odor nuisance problem between Pacific Steel Casting Company and the Berkeley-Albany community group residing in the area, Neighbors for Clean Air (NCA); stating at the direction of the Board at their June 21, 1989 regularly scheduled meeting staff had met with NCA to discuss the odor complaint procedure in detail.

Mr. Feldstein stated that based on the July 28, 1989 meeting with NCA, staff had determined that its odor complaint confirmation procedures should be modified in a number of important respects; that the changes were designed to bring quicker action in responding to complaints; and that staff had also met with the Hearing Board and gone through the same protocol.

Mr. Bean reviewed Attachment C of Mr. Feldstein's report, stating staff averages 6,000 to 7,000 complaint calls per year; and that in addition to the new procedures to be used in processing complaints which offered on pages one through six of the Attachment, staff was also exploring the purchase of cellular telephones; and would be requesting 11 of the telephones.

Director McPeak complimented staff for changing the complaint procedures; and questioned how they intended to notify the public; suggesting that all people who have contacted the District in the last five years be sent a copy of the information with a summary sheet stating the significant changes. Mr. Feldstein replied that staff was preparing an informational pamphlet on the odor complaint procedures that would be distributed widespread.

Speaking on behalf of the Advisory Council Public Health Committee which he chaired, Dr. Greenberg stated the only contact that the public usually has with the air district was on an odor complaint; that toxic substances could be associated with odors which could make it a public health issue; and that the Public Health Committee would be meeting to discuss this subject on Wednesday, October 11.

Chairperson Campbell called for public testimony, and the following individuals spoke:

CALVIN WONG
PACIFIC STEEL CASTING COMPANY
BERKELEY, CALIFORNIA

reviewed PSC's problems and efforts to control the emission of odors since 1985; stating meetings had been held with the area residents to no avail; that their hired consultant report indicated the odor emissions were not a health hazard; and that PSC felt staff's proposed change in the odor complaint confirmation procedures were too subjective. Mr. Wong distributed copies of a report by their consultant, Richard A. Duffee, entitled, COMMENTS ON BAY AREA AIR QUALITY MANAGEMENT DISTRICT ODOR REGULATION AND ENFORCEMENT PROCEDURES, dated June 5, 1989, which outlined possible modifications to the District's odor enforcement procedures to add greater consistency for both the District and alleged sources of odor complaints; concluding his presentation by stating PSC did not have a problem with the number of complaints needed to activate enforcement, but they did have a problem with the threshold; and that it was technologically impossible to have an odor-free environment, and the needs of industry should be balanced with those of the public.

I. DeLaFuente
GLASS, MOLDERS, INTERNATIONAL UNION
OAKLAND, CALIFORNIA

stated the Union was against the proposed changes, and the current procedure was very subjective; that the problem was very complex, and he sympathized with NCA because no company should have the right to pollute the air; but that industrial zones had been created for facilities like PSC, and in the case of PSC (as well as other industries in the Bay Area), the City of Berkeley's Planning Commission had allowed residential development to occur in the industrial zones, thus pushing out long-established companies. Mr. DeLaFuente stated the Board, in setting policy, must take into consideration the rights of all parties concerned; that industry was needed and provided many jobs to those in the community; that odor nuisance should not be the main concern, but rather if the targeted facility's emissions were a public health hazard; and that the Board should think about the impact of changes it implements; and should not just address an immediate problem or try to appease certain groups, but to correct the problem.

OWEN MARRON
CENTRAL LABOR COUNCIL - OAKLAND
OAKLAND, CALIFORNIA

stated the Secretaries of the various Labor Councils in the Bay Area had been meeting; that their concern was with the gentrification in the Bay Area; that they would be taking a neutral position and watching the issue very carefully; and that they did not want to have industry forced out of business.

RICHARD DUFFEE, CONSULTANT
CHAIRMAN, AIR & WASTE MANAGEMENT COMMITTEE
AIR & WASTE MANAGEMENT ASSOCIATION

stated an odor-free world was impossible, and urged that an objective standard of ambient odor nuisance be adopted to establish an annoyance threshold for odor, using odor intensity standards in excess of 3.0 on the butanol intensity scale (a butanol vapor concentration of approximately 60ppm).

NOGA MORA-LEVINE
ALBANY VILLAGE RESIDENT
ALBANY CALIFORNIA

stated she was not associated with NCA; but was a part of a community effort to organize the residents and bring the odor issue to their attention; stating the complaints were justified; that their organization efforts were directly responsible for the issue being before the Board today; and that odors were a public nuisance by definition of the law.

AMY SKEWES-COX
NEIGHBORS FOR CLEAN AIR
BERKELEY, CALIFORNIA

stated NCA had met with staff and many issues of concern to NCA were not addressed by staff in its report as promised; specifically the monthly printouts of complaints against PSC; copies of an August 1, 1989 PSC report on toxic emissions with staff evaluations; and information regarding settlement of fines for nuisance violations issued to PSC through June 1989. Ms. Skewes-Cox stated NCA had a number of major disagreements with Mr. Wong's comments; and requested the Board reschedule a public hearing and direct staff to provide its report to NCA regarding the information that was not provided at least two weeks in advance of said hearing.

Mr. Feldstein stated staff intended to fully implement its promises to supply information to NCA, and the process would be accelerated; that staff was prepared to go to court regarding the fines assessed PSC; and toxics materials listing was transmitted to NCA based on AB 2588.

Mr. Feldstein added that Mr. Duffee's proposal to set up a butanol intensity scale was not good public policy in that it would define an odor based on intensity rather than on a person's ability to smell; and suggested the Board think carefully before setting up an objective standard.

Chairperson Campbell thanked staff for its presentation, and those individuals who offered testimony; stating the Board would continue working with staff and monitoring the process very closely as it progressed; adding that where procedures looked feasible and could be changed to accomplish some of the results that the parties hoped for, the Board would carefully review them and try to do whatever it could to ameliorate the very difficult, emotional situation. Chairperson Campbell stated she would direct staff to continue working toward a resolution; and offered thanks to the Advisory Council for the work they would be doing on the issue.

Director Davis questioned whether the Advisory Council and staff were going to continually work with industry and the neighbors in an effort to achieve a resolution or come to an agreement; stating he wanted to respond to the concerns of the neighbors as well as PSC; that he felt Mr. Wong's suggestion to visit the area was a good idea; but at the same time, he wanted to be assured that something was being done to resolve the issue.

Mr. Feldstein stated the next, and most important, impact on the entire issue would be the control that occurs in compliance with the judge's Order; that, in staff's view, it would be the engineering solution to the problem; and that the health impact and the butonal intensity scale issues were areas the Advisory Council might review and make recommendations. Dr. Greenberg indicated the Public Health Committee of the Advisory Council had taken the odor issue under review; that a meeting would be held October 11 and November 8 to discuss the issue, and that perhaps a report would be forthcoming to the Board at the conclusion of the two meetings.

Director McPeak pointed out that promptly dispatching the Inspectors to the scene was more important than having the five face-to-face contacts or called-in complaints in order to issue a nuisance citation; and that the new procedure utilizing backup Inspectors would increase the responsiveness of the District. Director McPeak noted that Director Davis' question regarding the status of the problem comes about when there is a long, chronic, persistent odor nuisance complaint that may have a public health implication; stating that what was needed is a mechanism that addresses the chronic situation for resolution, using some more objective means than what is stated in the revised procedures (which she was endorsing and wanted to see implemented immediately); and that she would support referring the issue to the Advisory Council Public Health Committee. Director McPeak reiterated the Advisory Council PHC referral stating: That after a chronic problem has been identified, a more satisfying resolution be pursued; such that we define what will be the abatement procedures or the resolution of a chronic problem, and at that point we have a much more objective resolution. Chairperson Campbell so ordered.

BAY VISION 2020

DIRECTOR DIRIDON

Director Diridon stated Bay Vision 2020 was created in February 1989 and included many different groups; that the Chairperson was Ira Mike Heyman, Chancellor, University of California at Berkeley; that the intent of Bay Vision 2020 was to evaluate regional concerns regarding land-use, transportation, economic development and environmental quality; that a \$175,000 grant had been received from the state, and a \$37,000 grant from MTC; and that the final draft report would be available in November 1990.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein reminded the Board of the purpose of AB 1130 to raise funding for transportation control measure activities by a registration fee on motor vehicles; stating the Governor had vetoed the bill because he felt there was some misunderstanding by local government agencies.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell stated the Executive Committee would meet at 10:00 a.m., Thursday, October 19.

* * *

Chairperson Campbell stated she would be attending a symposium regarding transportation and behavior in Los Angeles at the University of California; and that she would provide a report upon her return.

BOARD MEMBERS' COMMENTS

Director McPeak stated the ozone pamphlet provided by the District stated the ozone standard in the Bay Area was frequently exceeded; stating she thought that the pamphlet was misleading because five times per year did not seem frequent; suggesting that when the pamphlet was reprinted, it should be corrected.

Director Wilson recommended the District pursue a recycling program within the District.

* * *

Director Clevenger requested she be taken on a tour of the facilities with oil water separators; and after discussion, Directors Aramburu, Clevenger and Gonzalez stated they would like to attend.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, October 18, 1989, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

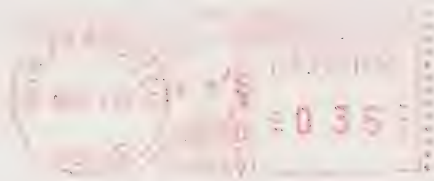
The meeting adjourned at 11:47 a.m.

Respectfully submitted,

CAROL BRADLEY
CLERK OF THE BOARDS

CB:jc

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Yoes Hall
Berkeley, CA 94720

FIRST CLASS MAIL

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NOV 1, 1989

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

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STUDIES LIBRARY
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UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, NOVEMBER 1, 1989 ✓

MINUTES

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL,
CHAIR
ALBERT ARAMBURU
HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVINGER

PAUL COOPER
OSBY DAVIS
ROD DIRIDON
ANNA ESHOO
JIM GONZALEZ

JIM HARBERSON
ROBERTA HUGHAN
SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
SUSANNE WILSON

BOARD MEMBERS ABSENT

CHUCK CORICA

BOB WHITE

ADVISORY COUNCIL MEMBERS PRESENT

PAUL DeFALCO, JR., CHAIR

JOHN HOLTZCLAW, PhD

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
DANIEL BELIK
ENFORCEMENT SPECIALIST
WILLIAM DeBOISBLANC
AIR QUALITY ENGINEERING MANAGER
RANDY FRAZIER
AIR QUALITY ENGINEER II
JAMES GUTHRIE
DIRECTOR OF ENFORCEMENT DIVISION
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER

DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
TIMOTHY J. SMITH
SENIOR AIR QUALITY ENGINEER
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES

CAROL BRADLEY
CLERK OF THE BOARDS

CALL TO ORDER

Chairperson Campbell called the meeting to order at 9:36 a.m.; and announced that the Board had a very full agenda, and requested those who wished to speak to make their comments brief and to the point; adding that Item No. 19, *Public Hearing to Consider Adoption of Regulation 8, Rule 47 Regarding Air Strippers and Ground Water Aeration* was being continued to December 6, 1989.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Paul DeFalco, Jr., Chairperson and John Holtzclaw, PhD.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF OCTOBER 4, 1989**COMMUNICATIONS**

PAUL COOPER, SECRETARY

The following communications were presented:

(9/25/89)
THE HON. NANCY PELOSI
UNITED STATES CONGRESS
WASHINGTON, D.C.

regarding the impact of the President's proposed clean air bill (H.R. 3030) on local efforts to regulate marine vessel loading of volatile organic compounds. (10/4/89)

(10/4/89)
GARY A. PATTON, CHAIRPERSON
BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
SANTA CRUZ, CALIFORNIA

regarding the Santa Cruz County Board of Supervisors' support of a "smog check" (vehicle inspection and maintenance) program in the Monterey Bay Unified Air Pollution Control District. (10/11/89)

(9/27/89)

JANANNE SHARPLESS
CHAIRPERSON
CALIFORNIA AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

submitting Notice of Meeting of the San Joaquin Valley Air Quality Study Policy Committee scheduled for October 13, 1989. (10/11/89)

(10/24/89)

KRISTI DENTON-COHEN
EXECUTIVE PRODUCER
TV PRODUCTION
NATIONWIDE MARKETING
SAN FRANCISCO

urging the District to develop a public relations story regarding the quantitative improvement in Bay Area air quality with the new commuter patterns following the earthquake. (10/26/89)

(10/16/89)

RAY V. EBERSOLE, JR.
OWNER, MANAGER
VAN-GO PAINTING
PACIFICA, CALIFORNIA

ANDREW GROFFMAN

PAINTER
SOUTH SAN FRANCISCO, CALIFORNIA

(10/20/89)

BILL BOES
ARCHITECTURAL REPRESENTATIVE
SAN MATEO, CALIFORNIA

(10/17/89)

ELDRED BOES
RETIRED PAINT CONTRACTOR
SAN JOSE, CALIFORNIA

(10/20/89)

CATHIE TYREE
WALNUT CREEK, CALIFORNIA

(10/27/89)

DAVE GRIJALVA
SAN FRANCISCO, CALIFORNIA

submitting criticism of proposed regulations affecting VOC content of paint and other architectural coatings sold in California. (10/3/89)

(10/89)

LINDA RAHI
DEPUTY CITY MANAGER
CITY OF EAST PALO ALTO, CALIFORNIA

enclosing Notice of Preparation of a Draft Environmental Impact Report on the East Palo Alto Ravenswood Industrial Redevelopment Project. (10/20/89)

(10/19/89)
SUSAN PATTON
OAKLAND, CALIFORNIA

urging adoption of all measures necessary to reach federal health standards for air quality in the Bay Area. (10/30/89)

(10/30/89)
JANANNE SHARPLESS
CHAIRPERSON
CALIFORNIA AIR RESOURCES BOARD
SACRAMENTO, CALIFORNIA

enclosing Notice of Meeting and Agenda Packet for the San Joaquin Valley Air Quality Study Policy Committee, scheduled for November 3, 1989. (10/31/89)

DIVISION MONTHLY REPORTS

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending June 30, 1989 (revised, July 31, 1989) and August 31, 1989; and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period September 1-30, 1989.

REFUNDS

The APCO's report entitled, REFUNDS, dated October 11, 1989, was presented.

Adopted **Resolution No. 1904**, *In the Matter of Reporting Refunds Due to Overpayment of Permit Fees*.

REPORT OF ARB REPRESENTATIVE

Director Hughan's report entitled, QUARTERLY REPORT OF MY ACTIVITIES AS AN ARB MEMBER, undated, was presented.

SET PUBLIC HEARINGS

The APCO's report entitled, SETTING OF PUBLIC HEARINGS - CONFLICT OF INTEREST STATEMENT, dated October 23, 1989, was presented; setting two public hearings for December 6, 1989: To Consider Adoption of Regulation 8, Rule 48: Industrial Maintenance Coatings; and To Consider Amendments to Regulation 8, Rule 3: Architectural Coatings.

ARB/EPA PROGRAM EVALUATION QUARTERLY PROGRESS REPORT

The APCO's report entitled, ARB/EPA PROGRAM EVALUATION QUARTERLY PROGRESS REPORT, dated October 25, 1989, was presented.

REJECTION OF CLAIMS AGAINST THE DISTRICT

The APCO's report entitled, REJECTION OF CLAIMS AGAINST THE DISTRICT, dated October 25, 1989, was presented.

CANCELLATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 3, FEES REGARDING ACID DEPOSITION, SCHEDULED FOR NOVEMBER 15, 1989

The APCO's report entitled, CANCELLATION OF THE NOVEMBER 15, 1989 PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 3 (FEES) REGARDING ACID DEPOSITION, dated October 23, 1989, was presented.

TRANSFER OF FUNDS

The APCO's report entitled, TRANSFER OF FUNDS, dated October 25, 1989, was presented.

Adopted **Resolution No. 1905**, *In the Matter of Approving Transfers of Funds from the Reserve for Contingencies*.

Director Aramburu moved the adoption of the above Consent Calendar items; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON, ESHOO, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: CORICA, GONZALEZ, WHITE.

RECOGNITION OF ASSEMBLYMAN BYRON SHER

Chairperson Campbell briefly summarized Assemblyman Sher's political and academic background, and presented him with a plaque inscribed as follows: *"Presented To Assemblyman Byron Sher By The Board Of Directors Of The Bay Area Air Quality Management District With Deep Appreciation For His Landmark Legislation Creating the California Clean Air Act, November 1, 1989."*

The following individuals offered congratulations to Assemblyman Sher on behalf of their organizations: John Holtzclaw, PhD, Sierra Club; Denise Fort, Executive Director, Citizens for a Better Environment; Carolyn Bovat, California Lung Association; Victor Weisser, Citizens for Environmental and Economic Balance; and John McKenzie, Pacific Gas & Electric.

Assemblyman Sher thanked the presenters, stating he appreciated the District's accomplishments and the Board's help; and after recognizing Directors Wilson, Diridon and Eshoo who are all from his District, he concluded his acceptance remarks, stating it was a great honor to be recognized in his "own backyard".

Director Eshoo introduced Assemblyman Sher's wife, Linda; and Chairperson Campbell called a seven-minute recess at 9:53 a.m.

Director Gonzalez arrived at 9:54 a.m.

The meeting was reconvened at 10:00 a.m.

**CONTINUATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO
REGULATION 8, RULE 8 REGARDING WASTEWATER (OIL-WATER) SEPARATORS
(POSTPONED FROM OCTOBER 18, 1989)**

Mr. Feldstein presented his report entitled, CONTINUATION OF PUBLIC HEARING ON REGULATION 8, RULE 8: WASTEWATER (OIL-WATER) SEPARATORS, dated October 20, 1989; and reminded the Board that this public hearing was continued from the October 4 meeting because additional information had been received by staff and incorporated in the proposed amendment after the Notice of Public Hearing; and that the Board had already public testimony.

Director Cooper moved the public hearing be closed and staff's recommendation be approved; seconded by Director Diridon; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN, McPEAK,
NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: CORICA, WHITE.

Adopted **Resolution No. 1906**, *In the Matter of Amending Rule 8 of Regulation 8 Relating to the Control of Organic Emissions from Wastewater Separation.*

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 2, RULES 1 AND 2,
AND REGULATION 3, REGARDING NEW SOURCE REVIEW**
(POSTPONED FROM OCTOBER 18, 1989)

Chairperson Campbell opened the public hearing at 10:02 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. DeBoisblanc reviewed the APCO's report entitled, PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 2 - RULES 1 & 2 AND REGULATION 3: RELATING TO PERMITTING REQUIREMENTS, dated October 20, 1989, stating the proposed amendments to Regulation 2, Rule 1 (General Permitting Requirements) and Rule 2 (New Source Review) were for the purpose of (A) implementing Federal PM₁₀ and NO₂ prevention provisions; (B) establishing public noticing requirements for new or modified sources located within 1,000 feet from the outer boundary of a school, as required by state law; and (C) deleting the exemption from offsets for cogeneration and resource recovery and other large emitting projects. Mr. DeBoisblanc stated the proposed amendment to Regulation 3 (Fees) added a new fee schedule for sources located near schools which were subject to the new public noticing provisions.

Mr. DeBoisblanc noted there was a minor correction; that Section 3-317 under Regulation 3 (Fees), should be 3-318 (Public Notice Fee, Schools); and that the change was not related to the new source review rules that would be adopted next year.

Chairperson Campbell called for public testimony, and there was none.

Director Diridon moved the public hearing be closed, and the amendments to the Regulation be adopted as corrected; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN, McPEAK,
NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: CORICA, WHITE.

Adopted **Resolution No. 1907**, *In the Matter of Amending Rules 1 and 2 of Regulation 2 Relating to Permitting Requirements and Regulation 3 Relating to Fees.*

**PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION
11, RULE 9 REGARDING ETHYLENE OXIDE STERILIZERS**
(POSTPONED FROM OCTOBER 18, 1989)

Chairperson Campbell opened the public hearing at 10:08 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Smith presented the APCO's report entitled, PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 11, RULE 9: ETHYLENE OXIDE STERILIZERS, dated October 20, 1989; stating the proposed regulation would limit the emissions of ethylene oxide (ETO) from large industrial sterilizers and fumigators; that there were six commercial facilities that would be affected; that the public health risk due to exposure to ETO in the vicinity of the sources is high, and the control of the emissions was part of the District's enhanced toxic control program.

Mr. Smith stated the proposed rule required all industrial sterilizers using more than 250 pounds of ETO per year to be equipped with Best-Available-Control-Technology (BACT); that the rule was based upon application of scrubber technology or catalytic oxidation controls, and included a requirement that would prohibit vacuum pump designs which cause discharges of ETO to wastewater streams and subsequent emissions to the air.

Mr. Smith concluded by stating ETO emissions would be reduced from 12,000 pounds per year to approximately 2,100 pounds per year; and that the cost of the controls would be approximately \$9-12 per pound of ETO removed; that because one of the six facilities was already controlled to the degree that would be required under the proposed rule; and that three facilities emitted negligible amounts of ETO, there were only two facilities which would be required to install new ethylene oxide controls.

Chairperson Campbell called for public testimony, and the following individuals came forward:

TERRY GRIMMER
BARNES-HIND PHARMACEUTICALS
SUNNYVALE, CALIFORNIA

stated Barnes-Hind was one of the largest operators using ethylene oxide in the Bay Area; that they had been working very closely with staff on the rule, and their one concern was regarding the one-year complying schedule.

Mr. Feldstein responded that facilities which would require an extension of time could apply for a variance from the Hearing Board.

CARY OLSON
DONALDSON COMPANY, INC.
MINNEAPOLIS, MINNESOTA

stated his company is one of the manufacturers of catalytic oxide; that they were in favor of adopting the rule, and against the smaller companies being exempted because technology is available, and there are other options. Mr. Olson added that he would like to see a regulation for the control of aeration.

Mr. Smith responded stating staff would be addressing the issue of technology and other options within the next six months.

Director Ogawa moved the hearing be closed; seconded by Director Eshoo; carried.

Director Eshoo moved regulation be adopted; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: CORICA, WHITE.

Adopted **Resolution No. 1908**, *In the Matter of Adopting Rule 9 of Regulation 11 Relating to the Control of Ethylene Oxide Emissions from Sterilization Operations.*

**PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 11, RULE 10
REGARDING CONTROL OF HEXAVALENT CHROMIUM IN COOLING TOWERS**
(POSTPONED FROM OCTOBER 18, 1989)

Chairperson Campbell opened the public hearing at 10:21 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Frazier presented the APCO's report entitled, PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 11 - HAZARDOUS POLLUTANTS, RULE 10 - HEXAVALENT CHROMIUM EMISSIONS FROM COOLING TOWERS, dated October 24, 1989; stating the rule was the result of a statewide regulation that mandates a total ban the use hexavalent chromium; and that the facilities impacted included hotels, hospitals and other industrial complexes. Mr. Frazier stated the District's rule was essentially identical to the state rule, and using slides and overheads, presented a flow chart outlining water vapor entrained with chromates from cooling towers.

Mr. Frazier stated the proposed regulation was estimated to reduce hexavalent chromium emissions from 1,200 pounds per year; and that the ARB estimated this reduction would result in a maximum reduction of from 6-68 cancer cases over a seventy-year period; and would require affected facilities to apply BACT by eliminating the use of hexavalent chromium-based chemicals in cooling water treatment programs; that many of the sources have already made the switch to other substances; and that cost is expected to be about \$.01 per square foot and 1/20 per gallon of gas for refineries.

Mr. Frazier stated staff had determined it would be necessary to amend some of the language in the rule that was proposed subsequent to the Notice of Hearing and the Board was being requested to continue to the hearing to November 15, 1989 for final consideration.

Chairperson Campbell called for public testimony, and there was none.

Chairperson Campbell stated this hearing would be continued to the next Board meeting.

**PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 8, RULE 47
REGARDING AIR STRIPPERS AND GROUND WATER AERATION**

Chairperson Campbell reminded the Board that this public hearing would be rescheduled to December 6, 1989.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8 RULE 29
REGARDING AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS**

Chairperson Campbell opened the public hearing at 10:28 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Belik presented the APCO's report entitled, PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 8, RULE 29: AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS, dated October 23, 1989; stating the proposed amendments would strengthen the current rules and limit the emission of volatile organic compounds (VOC) from the surface coating, preparation and clean-up of aircraft and aerospace components. Mr. Belik stated that because the Bay Area had the largest commercial rework facility at United Airlines Maintenance Operations Center, the Alameda Naval Air Station, Moffett Naval Air Station and Travis Air Force Base, the rule was very unique; that there is no manufacturing of aircraft in the Bay Area, but that missiles and satellites are manufactured here.

Mr. Belik stated the proposed changes to the existing rule would achieve the additional reductions needed from Bay Area coating operations to meet the 1982 Air Quality Plan of .5 tons per day emission reduction; and would narrow the exemptions in the rules so that only minor coating activity is exempt.

Mr. Belik stated the VOC limits for aerospace coatings reflect Reasonably-Available-Control-Technology (RACT), and future limits are proposed to go into effect January 1, 1992, which would require the use of low solvent coatings for the large volume interior and exterior topcoats; and that the proposed rule eliminated the section allowing for compensating reductions or alternative emission control plans; a daily record-keeping requirement is proposed; a method of analysis to determine the VOC content in samples of paint stripper has been added; and the proposed amendments were both reasonable and achievable; and affected industry had made a commitment to meet the proposed limits.

Chairperson Campbell called for public testimony, and the following persons came forward:

NORMAN A. AMDUR, P.E.
NAVAL AVIATION DEPOT
NAVAL AIR STATION
ALAMEDA, CALIFORNIA

reviewed the Naval Air Station's history of compliance with the District's rules; stating they were concerned with the speciality coating; and that it will be a great expense in manpower and money to comply.

MURRAY CUPERMAN
UNITED AIRLINES
SAN FRANCISCO, CALIFORNIA

stated he appreciated the opportunity to work with staff to establish a rule that is stringent and technology-forcing; stating further that it is achievable and it will offer significant reductions.

KRAIG KURUCZ
LOCKHEED MISSILES & SPACE
SUNNYVALE, CALIFORNIA

referring to his handout entitled, COMMENTS REGARDING PROPOSED AMENDMENTS, dated October 30, 1989 stated Lockheed would request a one-year extension on the reformulation and testing of special topcoats; and the elimination of the exemption; and to amend the "immediate imposition of a reduced maximum allowable emission limit" to *January 1, 1990*.

Director Davis suggested that rather than refer companies to the Hearing Board for variances if they could not meet the immediate imposition of the rule under Section 113, the Board should amend the date to January 1, 1990; and Mr. Powell stated the change could be made in the resolution.

Director Eshoo moved the public hearing be closed and the resolution be adopted with the stipulation that the reduced maximum allowable emission limit under Section 8-29-113 be effective January 1, 1990; seconded by Director Diridon; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER,
DAVIS, DIRIDON, ESHOO, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS,
OGAWA, WILSON.

NOES: NONE.

ABSENT: CORICA, GONZALEZ, WHITE.

Adopted **Resolution No. 1909**, *In the Matter of Amending Rule 29 of Regulation 8 Relating to Aerospace Assembly and Component Cooling Operations.*

**PUBLIC HEARING TO CONSIDER ADOPTION OF LABORATORY
PROCEDURE 33 REGARDING WASTEWATER (OIL-WATER) SEPARATORS**

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO SOURCE TEST
PROCEDURE ST-7 REGARDING NON-METHANE ORGANIC CARBON**

Mr. Feldstein requested that the two public hearings be combined in the interest of time, and because both hearings were related to the Manual of Procedures.

Chairperson Campbell opened the public hearing at 10:49 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Hess presented the APCO's reports entitled, PUBLIC HEARING TO CONSIDER THE ADDITION OF LABORATORY METHOD 33 TO THE DISTRICT MANUAL OF PROCEDURES, dated October 23, 1989, and PUBLIC HEARING TO ADOPT AMENDMENTS TO SOURCE TEST METHOD 7 - ORGANIC COMPOUNDS, dated October 23, 1989; stating Laboratory Method 33 is required for the analysis of critical organic compounds contained in wastewater samples; and that the method would be employed in the enforcement of Regulation 8, Rule 8, Wastewater (Oil-Water Separators); and that amendments to ST-7 were the result of the 1988 ARB Audit of the District, and it is used to calculate fugitive emissions.

Chairperson Campbell called for public testimony, and there was none.

Director Ogawa moved the public hearing be closed, and the resolutions adopted; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, CORICA, DAVIS, DIRIDON, ESHOO, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: BRITT, GONZALEZ, WHITE.

Adopted **Resolution No. 1910**, *In the Matter of Adding Laboratory Method 33 to Volume II of the Manual of Procedures Relating to the Determination of Dissolved Critical Volatile Organic Compounds in Wastewater Separators.*

Adopted **Resolution No. 1911**, *In the Matter of Amending Source Test Procedure ST-7 in Volume IV of the Manual of Procedures Relating to Organic Compounds.*

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

IMPACT ON CALIFORNIA OF PROPOSED FEDERAL CLEAN AIR ACT COMPROMISE ON MOTOR VEHICLES

Mr. Feldstein presented his report entitled, Board Resolution Re: Proposed Clean Air Act Amendments Preempting State/Local Authority to Control Non-Road Vehicles and Engines, dated October 11, 1989; stating Senator John Chaffey had introduced an amendment to the Clean Air Act as S.1490 and Congressman John Dingell as HR 3030; that Congressman Henry Waxman had developed and introduced a substitute amendment to HR 3030 that provides a compromise to achieve stricter motor vehicle tailpipe standards; and that as part of the compromise, the proposal preempts state/local authority to regulate non-road vehicles and non-road engines.

Mr. Feldstein continued stating pursuant to the California Clean Air Act the ARB will regulate emissions from non-road vehicles to the maximum extent feasible by 1991; that local districts currently regulate emissions from non-road engines; and that existing and future requirements for these emission sources would be preempted if the proposed Waxman substitute amendment was enacted; and that staff was recommending the Board adopt the resolution opposing the proposed preemption of state/local authority and urge the California Congressional delegation to work toward deleting the proposed Section 209(e).

Director Campbell so moved; seconded by Director Eshoo; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, DAVIS,
DIRIDON, ESHOO, HARBERTSON, HUGHAN, McPEAK, NICOLOPULOS,
OGAWA, WILSON.

NOES: NONE.

ABSENT: BRITT, CORICA, GONZALEZ, WHITE.

Adopted **Resolution No. 1912**, *In the Matter of Opposing the Federal Preemption of State/Local Authority to Regulate Emissions from Non-Road Vehicles and Non-Road Engines as Contained in a Proposed Substitute Amendment to H.R. 3030.*

Director Hughan requested that staff include a letter of explanation with the resolution; and Director Aramburu suggested it would be a good idea if the Chair or the Vice-Chair could attend a meeting in Washington, D.C. to speak on behalf of the District. Mr. Feldstein noted that staff had attempted to set up a meeting with the South Coast and San Diego Air Pollution Control Districts for this afternoon, but Mr. Berg from the South Coast was unable to attend.

REPORT ON BUILDING

Mr. Feldstein reported that a construction engineer had inspected the District's headquarters subsequent to the October 17, 1989 7.2 earthquake, and had declared the building to be safe.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell stated she had received a request from Nancy Jewel-Cross to make a presentation before the Board; that she had informed Dr. Cross of the right of the public to make a public presentation for five minutes, and in some instances a little longer; and Dr. Cross had apparently decided against attending today's meeting. There was Board discussion regarding Dr. Cross' presentation, and Director Diridon moved that a letter be transmitted to Dr. Cross inviting her to make her presentation to staff, and staff would then make a presentation to the Board; seconded by Director Eshoo; carried unanimously. Chairperson Campbell directed staff communicate the motion to Dr. Cross.

Chairperson Campbell:

- o* stated she had attended a symposium at the University of California at Los Angeles regarding transportation demand management; that she found it to be very interesting, and that she had voluminous amount of research material that she would make available to individuals who had an interest in what motivates individuals to use public transportation and car/van pools.
- o* announced that the Executive Committee would be meeting November 29, 1989.
- o* announced that the next Board meeting was scheduled for Wednesday, November 15; that she realized at the same time a meeting of the California Supervisors Association (CSAC); and requested the Board members who would not be attending the November 15 Board meeting to indicate by a show of hands. Directors Aramburu, McPeak and Chairperson Campbell stated they would not be in attendance.
- o* also announced that on Thursday, November 16, the Personnel Committee would be meeting at 9:30 a.m., and the Ad Hoc Committee on Resource Recovery Facilities was scheduled to meet at 10:00 a.m.; and that due to the length of the Personnel Committee Agenda, and the fact that some Committee members were on both Committees, she would recommend the Resource Recovery Facilities Committee meeting time be changed. Director Diridon stated the Resource Recovery Facilities Committee could meet at 11:00 a.m., and directed staff to re-notice the meeting.
- o* noted the Board had received many letters from painting contractors criticizing the proposed regulations affecting the VOC content of paint, and other architectural coatings sold in California; and directed staff to notice these individuals regarding the public hearing. Mr. Feldstein stated staff would respond to the contractors' letters, and notify them of the public hearing when it was set.
- o* congratulated the Board on its ability to move swiftly through the extremely long agenda.

BOARD MEMBERS' COMMENTS

Director Ogawa stated Gov. Deukmejian, in his Emergency Order, had waived many of the local jurisdiction items, including environmental matters; and requested the subject be placed on an upcoming agenda for discussion. Chairperson Campbell so ordered.

Director Aramburu stated he had prepared a draft letter for staff to review, and requested a staff report at the next Board meeting regarding transmitting the letter to MTC suggesting the recent earthquake provided the motivation to accelerate movement toward very aggressive TSM and TCM programs; a comprehensive plan for a ferry system; and the setting of incentives regarding the issue of bridge tolls.

Speaking as Chairperson of MTC, Director Diridon responded that at their Wednesday, October 25 meeting and at an Emergency meeting Monday, October 30, they had, by unanimous vote, asked the Governor to reinstate and increase the bridge tolls substantially as a disincentive to single passenger vehicles; that MTC had already taken all of the action they could take, and had communicated their actions to the Governor and the Legislature by telegram.

Director Diridon suggested in view of their recent action, perhaps a letter should be transmitted to MTC in support of the three actions taken:

1. Indicating their desire to reinstate the bridge tolls.
2. To increase the bridge tolls.
3. Make sure there is a tax increase.

Director Diridon added that he felt there should be a gas tax instead of a sales tax; and that MTC was adamantly in favor of ferry service. Director Aramburu stated that in light of MTC's action, he would modify his request and suggest it be integrated in a manner that the District could supplement what MTC was doing.

Director Diridon suggested (1) letters from the Chair be sent to all media encouraging car/van pooling and the use of mass transportation to reduce congestion and improve the quality of the air; (2) a letter to the Governor and the Legislative delegation from the region urging higher tolls; (3) stating that the 1/2 cent statewide sales tax being proposed by the Legislature and the Governor was inappropriate, and suggested they pursue a .10 gas tax increase to sunset in several years; and the monies could be used to take care of the emergency, to fund the mass transportation systems, and it would be a catalyst to reduce the amount of driving.

There was considerable Board discussion on these proposals, concentrating on specific areas, and how to make the point to the Governor and the Legislature, and Director Wilson made a motion to declare the issues being discussed was an emergency item; seconded by Director Aramburu; carried on roll call:

AYES: ARAMBURU, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, DAVIS,
DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGILAN, McPEAK,
NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: BRITT, CORICA, WHITE.

Mr. Feldstein outlined the content of the proposed mailgram to the Legislature and the Governor, which included:

1. Establish a gas tax instead of a sales tax.
2. Reestablish bridge toll, except for carpools and buses.
3. Mass transit funding and emergency repair for the use of the gas tax.

4. Establish CalTrain across the Dumbarton Railroad Bridge, Sacramento to San Jose, and San Jose to Salinas.

Director McPeak requested the addition of supporting authority to MTC to establish emergency mandatory Transportation Systems Management programs in the Bay Area.

Director Eshoo moved the urgent advisory to the Legislature contain the six listed actions that would benefit the air and reduce traffic congestion; seconded by Director Clevenger; carried on roll call:

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WILSON.

NOES: NONE.

ABSENT: CORICA, WHITE.

Director E. Campbell noted that now would be a good time for JAQPC to take aggressive action; suggesting the Board take a real leadership role to make the JAQPC concept function. Director Davis added that the Board might want to consider thinking ahead to when the San Francisco Bay Bridge is reopened, and recommend ways to encourage people not to return to their automobiles. Director Diridon noted this issue was currently being discussed by MTC.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, November 15, 1989, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

The meeting was adjourned at 11:45 A.M.

Respectfully submitted,

CAROL BRADLEY
CLERK OF THE BOARDS

CB:jc



**BAY AREA
AIR QUALITY MANAGEMENT DISTRICT**
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



Inst of Governmental Studies
University of California
109 Moses Hall
Berkeley, CA 94720

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
771-6000

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, NOVEMBER 15, 1989 ✓

MINUTES

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UNIVERSITY OF CALIFORNIA

BOARD MEMBERS PRESENT

HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVINGER
PAUL COOPER
ROD DIRIDON

ANNA ESHOO
JIM GONZALEZ
JIM HARBERSON
ROBERTA HUGHAN

SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
SUSANNE WILSON
BOB WHITE

BOARD MEMBERS ABSENT

ALBERT ARAMBURU
OSBY DAVIS

SHIRLEY CAMPBELL
CHAIRPERSON

CHUCK CORICA

HEARING BOARD MEMBERS PRESENT

RUTH H. KOEHLER

ADVISORY COUNCIL MEMBERS PRESENT

JOHN HOLTZCLAW, PhD

DANIEL V. PHELAN

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
JAMES R. GUTHRIE
DIRECTOR OF ENFORCEMENT DIVISION
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION

TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
RONALD RAIMONDI
FINANCE MANGER
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES
CAROL BRADLEY
CLERK OF THE BOARDS

CALL TO ORDER

In the absence of the Chair and Vice-Chair, Secretary Cooper called the meeting to order at 9:40 a.m.

CLOSED SESSION TO DISCUSS LITIGATION AGAINST THE DISTRICT PURSUANT TO GOVERNMENT CODE SECTION 54956.9

The meeting was adjourned to Closed Session at 9:40 a.m.; and reconvened at 10:30 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced John Holtzclaw, PhD and Daniel V. Phelan.

PUBLIC PRESENTATION

Representing the Sierra Club, Dr. Holtzclaw stated the Metropolitan Transportation Commission (MTC), in their response to the Court ruling to set up criteria for re-evaluating all of the highway projects, had essentially said they would accept all of the environmental evaluations that have already been made and did not take into account the growth that would be induced by any new road project; and they would continue to evaluate new road projects that had not had certified environmental evaluations by the same standards. Dr. Holtzclaw added that the Association of Bay Area Governments (ABAG) was using a new analyses which would be based on putting better transit systems and infill growth to reduce vehicle miles travelled (VMT); concluding that MTC should wait for the ABAG analyses and evaluate all of their highway projects based upon that analyses. Director Diridon suggested that this be agendaized for the next Board meeting.

APPROVAL OF MINUTES OF NOVEMBER 1, 1989**DIVISION MONTHLY REPORTS**

The following Division monthly reports were presented: Administrative Services, Appropriation Statement and Cash Position Ending September 30, 1989, and Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period October 1-31, 1989.

COMMUNICATIONS

PAUL COOPER, SECRETARY

The following communications were presented:

(10/21/89)
KRISTINE NOEL
OAKLAND, CALIFORNIA

urging adoption of all measures necessary to reach federal health standards for air quality in the Bay Area. (11/02/89)

REFUNDS

The APCO's report entitled, REFUNDS, dated November 8, 1989, was presented.

APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, APPROVAL FOR OUT-OF-STATE TRAVEL, dated November 8, 1989, was presented.

REJECTION OF CLAIMS AGAINST THE DISTRICT

The APCO's report entitled, REJECTION OF CLAIMS AGAINST THE DISTRICT, dated November 8, 1989, was presented.

Director Wilson moved the adoption of the above Consent Calendar items; seconded by Director Ogawa; carried on roll call:

AYES: BRITT, E. CAMPBELL, CLEVINGER, COOPER, DIRIDON, ESHOO, GONZALEZ,
HARBERTSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE
(ABST.), WILSON.

NOES: NONE.

ABSENT: ARAMBURU, S. CAMPBELL, CORICA, DAVIS.

QUARTERLY REPORT OF HEARING BOARD

Mrs. Koehler presented her report entitled, HEARING BOARD QUARTERLY REPORT - JULY-SEPTEMBER, 1989, dated November 15, 1989, stating the Hearing Board's activities for the last quarter included: (1) Staff having set up a special Emergency Variance (EV) procedure for the demolition of buildings which contain asbestos; that a number of buildings were condemned as a result of the October 17 earthquake; and that two asbestos EVs had been granted already; (2) The denial of eight variances for varied and unusual reasons, including three applicants requesting relief from long-standing regulations; two pile driving applications that the District had opposed, and the applicants did not appear; two fairly unusual cases involving the inability of Pacific Refining Company to comply with the District's permit conditions, and the District's opposition to a variance because they felt the nonconformance was due to faulty engineering design; and a Conditional Order for Abatement and a denial of variance for DeSoto Paint Company who was out of compliance with portable and stationary mixing operating requirements, as well as the stationary vats requirement.

Mrs. Koehler stated in September the District had requested an abatement order for TOSCO for an alleged odor public nuisance violation; that the case was heard in November because the Hearing Board is sensitive to the Board of Directors priority on odor nuisance cases; and that the case is continuing and will be heard approximately four more times before a decision is made.

**PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 11, RULE 10
REGARDING CONTROL OF HEXAVALENT CHROMIUM IN COOLING TOWERS**
(CONTINUED FROM NOVEMBER 1, 1989)

Mr. Feldstein presented his report entitled, CONTINUATION OF THE PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 11, RULE 10: HEXAVALENT CHROMIUM EMISSIONS FROM COOLING TOWERS, dated November 7, 1989, reminding the Board that the hearing was continued from November 1, 1989 in order to facilitate a minor change in language.

Secretary Cooper called for public testimony, and there was none.

Director Wilson moved the the hearing be closed and adoption of the staff's recommendations; seconded by Director Clevenger; carried on roll call:

AYES: BRITT, E. CAMPBELL, CLEVINGER, COOPER, DIRIDON, ESHOO, GONZALEZ,
HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: ARAMBURU, S. CAMPBELL, CORICA, DAVIS.

Adopted **Resolution No. 1913** *In the Matter of Adopting Rule 10 of Regulation 11 Relating to the Control of Hexavalent Chromium Emissions from Cooling Towers.*

**PUBLIC HEARING TO CONSIDER THE ADDITION OF LABORATORY
METHOD 31 TO THE DISTRICT MANUAL OF PROCEDURES**

Secretary Cooper opened the public hearing at 10:43 a.m., and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Rodolfo Zerrudo, Laboratory Manager, Technical Services Division, presented the APCO's report entitled, Public Hearing to Consider the Addition of Laboratory Method 31 to the District Manual of Procedures, dated November 6, 1989, stating the addition of Method 31 was required to determine compliance with Regulation 8, Rule 29, Aerospace Assembly and Component Coating Operations; that Section 305 of Rule 29 specifies limits of organic precursors which paint strippers may contain; and the Method would be used to analyze the organic precursor content of such strippers. Mr. Zerrudo stated Method 31 was workshopped in September 1989 and no negative comments were received.

Secretary Cooper called for public testimony, and there was none.

Director Wilson moved the hearing be closed and the adoption of staff's recommendations; seconded by Director Clevenger; carried on roll call:

AYES: BRITT, E. CAMPBELL, CLEVINGER, COOPER, DIRIDON, ESHOO, GONZALEZ,
HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: ARAMBURU, S. CAMPBELL, CORICA, DAVIS.

Adopted **Resolution No. 1914** *In the Matter of Adding Laboratory Method 31 to Volume II of the Manual of Procedures.*

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8,
RULE 42: LARGE COMMERCIAL BAKERIES**

Secretary Cooper opened the public hearing at 10:46 a.m., and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Feldstein presented his report entitled Public Hearing to Consider Amendments to Regulation 8, Rule 42: Large Commercial Bread Bakeries, stating the Board had directed staff to present for Board consideration an advance in the date when affected bakeries would be required to submit plans (election date) stating whether a bakery will install a new oven or retrofit their existing oven with air pollution control equipment; that the suggested date would have been March 31, 1990 instead of January 1, 1991; and that after review, staff was of the opinion that the January 1, 1991 date is appropriate and no amendments to the rule are needed at this time.

Secretary Cooper called for public testimony, and there was none.

Director Wilson moved the hearing be closed and the proposed amendments NOT be adopted; seconded by Director Ogawa; carried on roll call:

AYES: BRITT, E. CAMPBELL, CLEVENGER, COOPER, DIRIDON, ESHOO, GONZALEZ, HARBERSON, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: ARAMBURU, S. CAMPBELL, CORICA, DAVIS.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

There was none.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Secretary Cooper reminded the Board that there would be Personnel and Ad Hoc Committee on Resource Recovery Facilities meetings on Thursday, November 16 at 9:30 a.m. and 11:00 a.m., respectively.

BOARD MEMBERS' COMMENTS

Director McPeak requested staff prepare a written report regarding the outcome of the transmittals to the State Legislature urging aggressive action related to Transportation Control Measures, sales and gas tax increases, etc. Secretary Cooper so ordered.

* * * * *

Director White stated as a result of the earthquake and alternative traffic routes, it had taken him one hour and 15 minutes to get from Napa to this mornings meeting.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, December 6, 1989, 939 Ellis Street, San Francisco, California.


ADJOURNMENT

The meeting adjourned at 10:51 a.m.

Respectfully submitted,

CAROL BRADLEY
CLERK OF THE BOARDS

CB:jc

A circular postmark from San Francisco, CA, dated May 1970, is partially visible. To its right is a rectangular postage meter stamp with the text "U.S. POSTAGE", "0 35", "METER", and "6019569".
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UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, DECEMBER 6, 1989 ✓

MINUTES

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL,
CHAIR
ALBERT ARAMBURU
HARRY BRITT
MARTHA CLEVINGER
PAUL COOPER

OSBY DAVIS
ROD DIRIDON
ANNA ESHOO
JIM GONZALEZ
JIM HARBERSON

ROBERTA HUGHAN
SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
SUSANNE WILSON
BOB WHITE

BOARD MEMBERS ABSENT

EDWARD CAMPBELL

CHUCK CORICA

ADVISORY COUNCIL MEMBERS PRESENT

JACK OPPENHEIMER

DANIEL V. PHELAN

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
JAMES R. GUTHRIE
DIRECTOR OF ENFORCEMENT DIVISION
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
WAYNE KINO
ENFORCEMENT SPECIALIST
DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES

SANDRA LOPEZ
SENIOR AIR QUALITY ENGINEER
EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES
CAROL BRADLEY
CLERK OF THE BOARDS

CALL TO ORDER

Chairperson Campbell called the meeting to order at 9:47 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Mr. Daniel V. Phelan.

PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF NOVEMBER 15, 1989**COMMUNICATIONS**

PAUL COOPER, SECRETARY

Director Cooper noted there had been a number of communications received since the members had received their packets; that he had personally received a large volume of letters related to the public hearings to consider Adoption of Regulation 8, Rule 48 Regarding Industrial Maintenance Coatings, and Amendments to Regulation 8, Rule 3 Regarding Architectural Coatings; stating he had given all of the letters to the Clerk for filing.

The following communications were presented:

(11/7/89)
WILLIAM BRADFELD
MONTARA, CALIFORNIA

(10/19/89)
BAYLOR SAMPLE
BERKELEY, CALIFORNIA

(10/19/89)
V. GMIGION
S. SCOTT
OAKLAND, CALIFORNIA

(11/19/89)
PAUL KUB
BERKELEY, CALIFORNIA

(12/3/89)
CYNTHIA GREEN
EL CERRITO, CALIFORNIA

(12/3/89)
KATHY LABRIOLA
BERKELEY, CALIFORNIA

(12/3/89)
SHIRLEY COLEMAN
BERKELEY, CALIFORNIA

urging adoption of all measures necessary to reach federal health standards for air quality in the Bay Area.

(11/15/89)
MARK S. HOWELL
SUPERVISING DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
SACRAMENTO, CALIFORNIA

informing Board Chairperson that the matter regarding the Anonymous Letter to BAAQMD Director dated October 20, 1989, and subsequent correspondence, was being forwarded to the District Attorney of the City and County of San Francisco for review. (11/16/89)

(11/16/89)
THE HON. WILLIAM J. FILANTE, M.D.
ASSEMBLYMAN, NINTH DISTRICT
(MARIN AND SONOMA COUNTIES)
CALIFORNIA LEGISLATURE

responding to Board of Directors' Mailgram offering suggestions for earthquake-related legislation also aimed at protecting air quality. (11/16/89)

(11/9/89)
THE HON. DIANNE MCKENNA
SUPERVISOR, FIFTH DISTRICT
SANTA CLARA COUNTY
SAN JOSE, CALIFORNIA

regarding citizens' concerns over possible asbestos pollution from a Kaiser Cement Plant in Cupertino, California. (11/16/89)

(11/3/89)
THE HON. JOHN D. DINGELL
U.S. HOUSE OF REPRESENTATIVES
CHAIRMAN, COMMITTEE ON ENERGY & COMMERCE
WASHINGTON, D.C.

enclosing recent correspondence regarding the Department of the Interior's proposed rulemaking in air quality matters under the Outer Continental Shelf Lands Act. (11/20/89)

(11/16/89)
EDWARD VAN EGRI
ST. HELENA, CALIFORNIA

expressing concern over the adverse air quality impact of agricultural dump fires conducted in the Napa Valley; and urging the adoption of alternate methods for disposal of agricultural waste as a means to improve and maintain air quality. (11/22/89)

(11/21/89)
SENATOR DAN MCCORQUODALE
CALIFORNIA LEGISLATURE
SACRAMENTO, CALIFORNIA

regarding the cooperation of the New United Motor Manufacturing, Inc. (NUMMI) facility in Fremont with the BAAQMD regulations in attaining air quality standards. (11/27/89)

(11/24/89)
RAYMOND ROBINSON
ENVIRONMENTAL CONSULTANT
SOUTHERN CALIFORNIA PAINT & COATINGS ASSOCIATION
ARCADIA, CALIFORNIA

submitting position statement of the Paint & Coatings Industry on the proposed changes to Regulation 8, Rule 3, Architectural Coatings. (11/30/89)

(11/24/89)
JOSEPH LANDAU
PAINTING & DECORATING CONTRACTOR
SAN BRUNO, CALIFORNIA

submitting commentary on the proposed changes to architectural coating standards in Regulation 8, Rule 3. (12/1/89)

(11/27/89)
MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SAN FRANCISCO, CALIFORNIA

responding to letter from Senator Quentin Kopp regarding the restriction and changes in the laws governing the allowable sales of paint and paint products in California. (12/1/89)

(11/27/89)
WILLIAM MANLEY
5428 LOCKSLEY AVENUE
OAKLAND, CALIFORNIA 94618

regarding the extent to which the proposed parking structure for the Rockridge BART station promotes regional transit usage. (12/4/89)

(12/1/89)
THE HON. REBECCA Q. MORGAN
STATE SENATOR - ELEVENTH DISTRICT
CALIFORNIA LEGISLATURE
SACRAMENTO, CALIFORNIA

responding to the Board of Directors Mailgram regarding promoting ridesharing and mass transit usage. (12/4/89)

(12/4/89)
STEVEN RITCHIE
EXECUTIVE OFFICER
SAN FRANCISCO BAY REGION
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
OAKLAND, CALIFORNIA

supporting the adoption of proposed Regulation 8, Rule 47: Air Stripping and Soil Vapor Extraction Operations. (12/5/89)

Directors Davis and Diridon arrived at 9:49 a.m.

REFUNDS

The APCO's report entitled, REFUNDS, dated November 28, 1989, was presented.

REJECTION OF CLAIMS AGAINST THE DISTRICT

The APCO's report entitled, REJECTION OF CLAIMS AGAINST THE DISTRICT, dated November 29, 1989, was presented.

TRANSFER OF FUNDS AND AUTHORIZATION FOR PURCHASE ORDERS IN EXCESS OF \$15,000

The APCO's report entitled, TRANSFER OF FUNDS AND AUTHORIZATION FOR APCO TO SIGN PURCHASE ORDERS, dated November 30, 1989 was presented.

Adopted **Resolution No. 1915**, *In the Matter of Approving a Transfer of Funds Between Accounts and a Transfer of Funds from the Reserve for Computer Equipment and Authorizing the Air Pollution Control Officer to Sign a Purchase Order Related to the Transfer from the Reserve.*

Director Wilson moved adoption of the above Consent Calendar items; seconded by Director Clevenger carried on roll call:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON,
McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, ESHOO, GONZALEZ, HARBERSON, HUGHAN.

REPORT OF EXECUTIVE COMMITTEE

SHIRLEY J. CAMPBELL

Chairperson Campbell stated the Committee met November 29 to further discuss proposals for an enhanced public relations and public information program; a number of the items on the proposed outline were referred to the Board's Budget and Finance Committee; and the items would be before the Board after firm proposals had been formulated.

Director Diridon added that the Executive Committee of the Metropolitan Transportation Commission (MTC), in cooperation with the District, has also adopted the intent to create a public information program.

REPORT OF PERSONNEL COMMITTEE

EDWARD R. CAMPBELL

Chairperson Campbell announced that Director Campbell had notified her that he would not be attending the meeting this morning; and she requested the past Committee Chairperson to deliver the report.

Director Cooper stated the Committee met November 16, and took the following action:

ADVISORY COUNCIL REAPPOINTMENTS FOR JANUARY 1, 1990

Recommended six reappointments to the Advisory Council: Paul DeFalco, Alvin Greenberg, PhD., John Holtzclaw, PhD., Catherine Koshland, PhD, Daniel Phelan, and Kathryn Smick, M.D.; directed staff to advertise the two vacancies created by the resignations of John Lagarias (Unspecified category) and Lowell Smith (Agriculture category); and to contact the two members with poor attendance records to determine their intentions for the future: Etta Allen and Hanwant Singh, PhD.

HEARING BOARD REAPPOINTMENTS FOR MARCH 1990

Recommended the reappointment of Ruth Koehler; and directed staff to advertise the Public Member category vacancy created by the resignation of Kenneth Manaster, LL.B.

RECLASSIFICATIONS, REPORTS, STUDIES, MOU AMENDMENTS

Recommended reclassification of vacant position of Administrative Clerk II to Dispatcher in the Enforcement Division at a cost of approximately \$1,500 for the remainder of the fiscal year;

Received report regarding Payroll Advances and directed staff prepare a report proposing controls and safeguards for incorporation into the extended payroll policy; and to present it to the Committee at a future meeting.

Directed staff obtain bids for a classification and compensation study for all District classifications; subject to the Boards' review, acceptance, and approval of transfer of funds.

Director Hughan arrived at 9:53 a.m.

Recommend approval of amendments to the Memorandum of Understanding regarding shift differential pay to provide appropriate compensation to Enforcement personnel working early and late shifts.

Director Cooper moved adoption of the Committee recommendations; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, DAVIS, DIRIDON,
HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, ESHOO, GONZALEZ, HARBERTSON.

Adopted **Resolution No. 1916**, *In the Matter of Approving the Reclassification of a Vacant Position in the Enforcement Division.*

Adopted **Resolution No. 1917**, *In the Matter of Reappointing Ruth Koehler as a Member of the Hearing Board.*

Adopted **Resolution No. 1918**, *In the Matter of Approving Amendments to the Memorandum of Understanding.*

Director Eshoo arrived at 9:54 a.m.

REPORT OF AD HOC COMMITTEE ON RESOURCE RECOVERY FACILITIES

ROD DIRIDON

Director Diridon stated the Committee met November 16 to discuss the primer which is being developed on time; noting that the Technical Advisory Committee (TAC) had met in Sacramento on November 8 to continue reviewing the document. Director Diridon stated the Committee would not meet in December; that the next meeting would be on January 25, 1990 to review AB 939 (Sher) regarding solid waste management (California Integrated Solid Waste Management Act of 1989) to see how it affects the issue of resource recovery.

Director Diridon concluded his report stating the Committee was now beginning the process of determining how to develop the educational forums (to present the primer to the public); that a grant application was pending in Sacramento, and talks were beginning with Patrick Mason, PhD, to see if he could be of assistance in the development of the forums.

PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 8 RULE 47 REGARDING AIR STRIPPERS AND GROUND WATER AERATION

(POSTPONED FROM NOVEMBER 1, 1989)

Chairperson Campbell opened the public hearing at 9:57 a.m.; and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Ms. Lopez presented the APCO's report entitled, PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 8 RULE 47: AIR STRIPPING AND SOIL VAPOR EXTRACTION OPERATIONS, dated November 27, 1989, stating the subject operations are being used in the District to clean up contaminated groundwater and soil; that the rule would apply to the toxic organic compound emissions from these sources, as well as the new and modified sources that come into the District.

Ms. Lopez described the air stripping procedure which is used to clean up contaminated groundwater, and the soil vapor extraction process which is very similar to air stripping; reviewed slides and overheads of operations which have been constructed in the District; and shared the two criteria used to evaluate applications at this time; stating the current rule is not a very good enforcement tool for the sites.

Director Harberson arrived at 10:00 a.m.

Ms. Lopez concluded her presentation stating the District estimated at least 41.5 tons per year of organic compound emissions will be subject to the proposed rule; that a 95% reduction will result in a reductions of 39.4 tons per year; that the cost of control ranges from \$2 to \$12.70 per pound of organic compound reduced; that comments received at workshops held on May 26 and September 8 were incorporated in the final draft before the Board; though there were two changes made since the last workshop, Section 109 for a small operation, and clarifying language has been added to Section 601.

Chairperson Campbell called for public testimony, and the following individual spoke:

DANIEL V. PHELAN
BALIA
SAN FRANCISCO, CA

recommended approval of the proposed rule; stating it was necessary, stringent, and effective; and continued the progress on Regulation 8.

Director Davis complimented staff on the report; stating it was very comprehensive and well-put-together.

Chairperson Campbell stated the public hearing will be continued to Wednesday, December 20, 1989.

**PUBLIC HEARING TO CONSIDER ADOPTION OF REGULATION 8
RULE 48 REGARDING INDUSTRIAL MAINTENANCE COATINGS**

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO
REGULATION 8 RULE 3 REGARDING ARCHITECTURAL COATINGS**

Chairperson Campbell stated the two public hearings would be considered together because they are related; and that because she had a potential conflict of interest, she was turning the chairpersonship of this section of the meeting over to Vice Chairperson Davis.

Mr. Powell announced that the Notice of Public Hearings had not been advertised in one of the nine newspapers, therefore action could not be taken this date, though testimony could be received; the hearing re-noticed for January 17, 1990. Mr. Powell stated there had also been a minor language change.

Vice Chairperson Davis opened the public hearing at 10:14 a.m.; and announced that testimony was limited to 5 minutes, and testimony would also be taken at the continued hearing.

Mr. Guthrie presented the APCO's report entitled, PUBLIC HEARING ON PROPOSED AMENDMENTS TO REGULATION 8, RULE 3, ARCHITECTURAL COATINGS AND THE NEWLY PROPOSED REGULATION 8, RULE 48, INDUSTRIAL MAINTENANCE COATINGS, dated November 21, 1989, stating the subject coatings contribute significantly to ozone production in the Bay Area; Mr. Guthrie offered the background on Rule 3, stating the proposed rule limits: (1) the manufacture; (2) the sale, and (3) the use of certain paint products in the Bay Area; that the districts in California had voluntarily cooperated in the process since 1987 to develop a control measure that would be uniform and standard throughout the state; that a coalition was formed that included the ARB, EPA, San Diego, Ventura, South Coast and the Bay Area Districts. Mr. Guthrie stated this same model rule, with one exception, was presented to the ARB in May 1989.

Mr. Kino presented the amendments to Regulation 8, Rules 3 and 48; stating both rules are designed to limit the amount of volatile organic compounds (VOC) emitted from architectural coatings by establishing a maximum VOC content for a particular architectural application; and were designed to parallel the recently approved ARB - California Air Pollution Control Officers Association Suggested Control Measure (SCM) for architectural coatings; and that Rule 48 is the result of moving the Industrial Maintenance Coating category out of Regulation 8, Rule 3 to provide greater opportunity for clarity and definition while remaining consistent with the Architectural Coating SCM.

Mr. Kino stated both rules were workshopped on September 29 with the intent to improve their clarity and enforceability, encourage the use of lower VOC coatings by regulating the solvent content based upon their end-use, and to encourage the development of new technology or practices which will yield an overall emission reduction.

Mr. Kino reviewed the amendments to the rules; stating the Small Container Exemption and Setting a Lacquer Limit of 350 grams per liter in 1992 were two areas in which the rules differed from the SCM.

Alluding to the numerous letters received, the Board members raised several questions regarding the lacquer limit, consumers' inability to purchase new homes with fine wood finishes; the total tons per year reduction; and manufacturers inability to meet the VOC limit. Vice Chairperson Davis expressed concern regarding the amendment to allow three years to sell and apply coatings exceeding the VOC limits; and Mr. Feldstein explained that if the rule could not be complied with, staff would request Board reconsideration.

Vice Chairperson Davis called for public testimony, and the following individuals spoke:

DUANE GARRETT
NATIONAL PAINT & COATINGS ASSOCIATION
SAN FRANCISCO, CA

stated the Association would make every effort to see if a compromise could be achieved on the very complex issues.

STEVE DePETRIS
FLECTO
OAKLAND, CA

stated he supported the proposed rule and staff position; and that his company manufactured an alternative to lacquer.

WILLIAM SMILAND
SMILAND PAINT COMPANY
LOS ANGELES, CA

requested the Board postpone for one year the proposals regarding high performance coating, lacquer, and quick-dry enamel.

WINSTON T. COLLINS
PPG INDUSTRIES, INC.
GARLAND, TX

stated the company's position was that it is better to use a coating that has a higher VOC one time, than to use a complying coating five or six times in a 15-year period.

CHARLENE RAIMONDI
RAIMONDI'S MONTCLAIR PAINT & WALLPAPER
OAKLAND, CA

stated the manufacturers were reformulating VOCs, but the product was not the same as it was three years ago; and she refused to sell anything other than a high-quality product.

NED B. KISNER
TRIANGLE COATINGS
SAN LEANDRO, CA

supported Mr. Smiland's views; that manufacturers did not want to continue to make mistakes on products; and the quality of the product is significantly less.

ROBERT WENDOLL
ENVIRONMENTAL ADMINISTRATOR
DUNN-EDWARDS CORPORATION
EL RAP
LOS ANGELES, CA

stated EL RAP Committee had submitted a position paper regarding the 350 gpl VOC limit for clear lacquers being eliminated; and delay implementation for one year of certain features in the proposed rule.

MARK ROBSON
P.D.C.A. TRI COMPANY
HESPERIA, CA

stated the elimination of lacquers would open the door to off-site finishing.

GARY DAVIS
OLD QUAKER PAINT COMPANY
CARSON, CA

stated the proposed rule would have an impact of paramount proportions with widespread opposition and universal public disapproval.

MICHAEL MULDOWN
MAR-LAK PRODUCTS COMPANY
HAWAIIAN GARDENS, CA

stated the District would be establishing a precedent by the first major District to formally act on the adoption, modification, or rejection of the ARB suggested control measure; and urged the Board to think seriously about the action it will take.

MADELYN HARDING
SHERWIN WILLIAMS
CLEVELAND, OH

stated comment made by a previous speaker regarding Sherwin Williams no longer being a manufacturer of industrial coatings in California was not relevant to this issue; and that Sherwin Williams felt it was critically important that the District adopt uniform amendments.

ROBERT E. RAYMER
TECHNICAL DIRECTOR
CALIFORNIA BUILDING INDUSTRY ASSOCIATION
SACRAMENTO, CA

stated his Association was very concerned regarding the on-site application issue; and the development of the initial control measure and the intent to reduce the emissions of VOCs without carefully looking into the issue of the additional VOCs that will be emitted.

Mr. Garrett offered a proposed amendment that N.P.C.A. supported as follows:

"That the effective date of the following provisions be changed to January 1, 1991: (1) Restriction of high-performance industrial maintenance coatings for residential use; (2) the elimination of the quick dry enamel category; (3) the elimination of the quick dry primer, sealer, and undercoat category; and (4) the restriction on lacquer coatings."

Vice Chairperson Davis turned the meeting over to Chairperson Campbell who stated this item would be continued to January 17, 1990.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

Mr. Feldstein presented his report entitled, REPORT ON LEGISLATION, dated November 29, 1989.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell:

1. directed the Clerk to transmit copies of the Board Roster to each member for updating.
2. announced the appointment of an Ad Hoc Committee comprised of Directors E. Campbell (Personnel Committee Chairperson), Davis (Vice Chairperson), and herself to meet at the District at 1:00 p.m., Monday, December 11 to discuss personnel issues.
3. announced that effective immediately, the Board membership should be expanded to 20; that Sonoma and Contra Costa counties were each entitled to an additional member, based on its increased population.

BOARD MEMBERS' COMMENTS

There were none.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, December 20, 1989, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

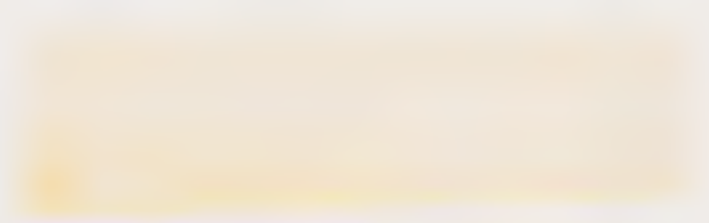
The meeting adjourned at 12:22 p.m.

Respectfully submitted,

CAROL BRADLEY
CLERK OF THE BOARDS

CB

BAY AREA
AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109



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UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS REGULAR MEETING

9:30 A.M., WEDNESDAY, DECEMBER 20, 1989 ✓

MINUTES

BOARD MEMBERS PRESENT

SHIRLEY CAMPBELL, CHAIR
ALBERT ARAMBURU
HARRY BRITT
EDWARD CAMPBELL
MARTHA CLEVINGER

PAUL COOPER
CHUCK CORICA
ANNA ESHOO
JIM GONZALEZ
ROBERTA HUGHAN

SUNNE McPEAK
GUS NICOLOPULOS
FRANK OGAWA
SUSANNE WILSON
BOB WHITE

BOARD MEMBERS ABSENT

OSBY DAVIS

ROD DIRIDON

JIM HARBERSON

ADVISORY COUNCIL MEMBERS PRESENT

NORMAN L. GRIB, PhD
DANIEL PHELAN

JOHN HOLTZCLAW, PhD

JACK OPPENHEIMER

STAFF MEMBERS PRESENT

MILTON FELDSTEIN
AIR POLLUTION CONTROL OFFICER
THOMAS BELL
DIRECTOR OF ADMINISTRATIVE SERVICES
JAMES R. GUTHRIE
DIRECTOR OF ENFORCEMENT DIVISION
PETER HESS
DEPUTY AIR POLLUTION CONTROL OFFICER
DARIO LEVAGGI
DIRECTOR OF TECHNICAL SERVICES

EDWARD W. McHUGH
DIRECTOR OF PUBLIC INFORMATION
TOM PERARDI
DIRECTOR OF PLANNING
JOHN POWELL
LEGAL COUNSEL
JOHN SWANSON
DIRECTOR OF PERMIT SERVICES
CAROL BRADLEY
CLERK OF THE BOARDS

CALL TO ORDER

Chairperson Campbell called the meeting to order at 9:37 a.m.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

The Clerk introduced Norman Grib, PhD and John Holtzclaw, PhD.

PUBLIC PRESENTATION

Ms. Carolyn Bovat, American Lung Association, stated she attended the Joint Air Quality Policy Committee meeting on December 14, and that she had brought an article entitled, A TIME TO CLEAN UP THE AIR, which explained a public education plan presented by the City of Sacramento; adding that it may not be the answer to the air quality problem, but that it is worth a review.

Ms. Bovat stated the second item that she would like to present to the Board dealt with the recent earthquake and the Lung Association's attempt to encourage alternatives to the use of the family automobile; and that she was providing the Clerk with a copy of a press release that had been transmitted to the news media urging the continued use of carpooling, bus, ferry and BART.

APPROVAL OF MINUTES OF DECEMBER 6, 1989**DIVISION MONTHLY REPORTS**

The following Division monthly reports were presented: Enforcement, Legal Counsel, Permit Services, Planning, Public Information & Education and Technical Services, for the period November 1-30, 1989.

COMMUNICATIONS

PAUL COOPER, SECRETARY

The following communications were presented:

(12/12/89)
Pearl Bradshaw
Colma, California

objecting to the comparatively inferior quality of water-based to oil-based paints for use in house interior painting. (12/15/89)

Director Cooper moved the adoption of the above Consent Calendar items; seconded by Director White; carried on roll call:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, ESHOO,
HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, DAVIS, DIRIDON, GONZALEZ, HARBERSON,
McPEAK.

**CONTINUATION OF PUBLIC HEARING TO CONSIDER
ADOPTION OF REGULATION 8, RULE 47 REGARDING AIR STRIPPERS
AND GROUND WATER AERATION
(CONTINUED FROM DECEMBER 6, 1989)**

The APCO presented his report, CONTINUATION OF PUBLIC HEARING ON REGULATION 8, RULE 47: AIR STRIPPING AND SOIL VAPOR EXTRACTION OPERATIONS, dated December 13, 1989, stating the hearing had been continued to this date because two minor changes had been made to the proposed regulation prior to the December 6 hearing.

Chairperson Campbell called for public testimony, and no one came forward.

Director Eshoo moved the public hearing be closed and the resolution be adopted; seconded by Director Ogawa; carried on roll call:

AYES: ARAMBURU, BRITT, S. CAMPBELL, CLEVINGER, COOPER, ESHOO,
HUGHAN, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: E. CAMPBELL, CORICA, DAVIS, DIRIDON, GONZALEZ, HARBERSON,
McPEAK.

Adopted **Resolution No. 1919**, *In the Matter of Adopting Rule 47 of Regulation 8 Relating to Air Stripping and Soil Vapor Extraction.*

DISCUSSION OF DISTRICT ADMINISTRATIVE CODE PROPOSED CHANGES

Mr. Powell presented the APCO's report entitled, POSSIBLE CHANGES IN THE ADMINISTRATIVE CODE, dated December 13, 1989, stating Section 17.1 of the District's Administrative Code provides that the Code may be amended at any meeting by a vote of the majority of the Board of Directors, provided notice of such amendment has been given at the preceding regular meeting; that several changes have been suggested by Boardmembers in recent weeks.

Mr. Powell stated three amendments were being recommended as follows: (1) Amend Section 5.2 to provide that all proposals to settle any pending litigation to which the District is a defendant in a judicial action shall require the affirmative vote of the majority of the members of the Board; (2) amend Section 5.2 to provide that where one or more members may not participate in a decision because of a conflict-of-interest, that a regulation can be adopted by less than the affirmative vote of the majority of the entire membership; and (3) to amend

Section 4.3 to provide that where a motion to reconsider an action is made at the next succeeding meeting, it may be made and seconded by any member. Mr. Powell concluded stating staff was recommending Items No. 1 and No. 2 be adopted by the Board of Directors at the January 3, 1990 meeting.

Director Wilson noted that she felt this amendment was worthy of the Board's consideration; that if they were to adopt No. 1, No. 3 was not necessary; and that if there was not a majority, then the Board should be able to bring the matter up again.

Mr. Powell noted that Item No. 2 referred specifically to a conflict-of-interest by a Board member; that if a member has a conflict-of-interest, the vote on a regulation should pass by a majority of the Board, and the majority would be reduced by the number that could not vote. Mr. Powell stated this reduction would also apply once the Board membership was officially raised from 18 to 20.

Director Britt congratulated staff on their efforts to effect the changes; stating, however, it was not immediately clear by reading the proposed changes that the proposed conflict-of-interest amendment affected all matters; and that he would suggest the two recommendations be reversed so that it would be made clear that the Board is not just addressing litigation.

Director E. Campbell arrived at 9:50 a.m.

There was considerable discussion regarding the two changes; and Director Wilson questioned whether the conflict-of-interest clause appeared in any other Code that affected the District; and Mr. Powell replied that it was in the State law under the Fair Political Practices Commission.

Director McPeak arrived at 9:55 a.m.

Director Wilson stated that wherever this amendment applied in other codes, or within the Administrative Code, it should be merged, even if it required having a Section 5.1.1 or a 5.1.2; adding that the amendment might also speak to the State law that deals with the conflict-of-interest in order to clarify what Section 87100 of the Government Code addresses.

The Board discussed the abstention on a vote, quorums, and the change in the majorities; and Director Wilson moved that Items No. 1 and No. 2 be presented at the January 3, 1990 regular Board meeting incorporating the suggested changes to clarify the sections; seconded by Director Aramburu; carried on roll call.

AYES: ARAMBURU, BRITT, E. CAMPBELL, S. CAMPBELL, CLEVINGER, COOPER, ESHOO, HUGHAN, McPEAK, NICOLOPULOS, OGAWA, WHITE, WILSON.

NOES: NONE.

ABSENT: CORICA, DAVIS, DIRIDON, GONZALEZ, HARBERSON.

Directors Corica and Gonzalez arrived at 10:00 a.m.

**REPORT ON CARBON MONOXIDE AIR QUALITY IMPACT
OF WOODBURNING STOVES AND FIREPLACES**

Mr. Levaggi presented his report entitled, DETERMINING THE IMPACT OF CARBON MONOXIDE EMISSION FROM RESIDENTIAL WOOD COMBUSTION ON AMBIENT AIR QUALITY IN SANTA CLARA COUNTY, dated October 1989, stating in an effort to attain the standard for carbon monoxide (CO), extensive field studies had been performed by the District in Santa Clara County; that the studies indicated elevated concentrations of CO extending well into residential areas, and that this finding lead to the notion that residential wood combustion (RWC) could represent a significant portion of the CO being measured.

Mr. Levaggi explained the contents of wood as it relates to Carbon 14 isotope (C-14), as well as the contents of fossil fuel; outlining the process used to collect ambient samples and to perform the C-14 analysis.

Using slides and overheads, Mr. Levaggi reviewed the findings which lead to the District's C-14 studies, as well as displaying the distribution and decay of C-14 over time; as well as C-14 sampling studies.

Mr. Levaggi concluded his presentation stating the C-14 analysis was performed by the University of Arizona which used a new analytical technique called tandem accelerator mass spectrometry; and that the technique required carbon sample sizes in the 0.5-10 point milligram range which were easily obtainable with the sampler; that the field studies were carried out in the winter seasons of 1984-85, 1985-86, at two sites for each season; that C-14 was found in all samples and ranged from 0.5 to 1.6 ppm; that the ambient C-14 data presented was the first ever measured on multiple samples taken over long sampling periods; and that the methodology had been proven to be a viable approach for determining the origin of measured CO in ambient air.

REPORT OF AIR POLLUTION CONTROL OFFICER

MILTON FELDSTEIN

There was none.

CHAIRPERSON'S REPORT

SHIRLEY CAMPBELL

Chairperson Campbell:

- reminded those Boardmembers who had not submitted updated rosters to submit them to the Clerk.
- directed staff to prepare a plaque for outgoing Hearing Board Member Kenneth A. Manaster for presentation at the January 17, 1990 Board meeting.
- informed members that the Personnel Committee would be meeting immediately following the Board meeting this date.

BOARD MEMBERS' COMMENTS

Director Hugan called attention to the large volume of correspondence received by Boardmembers regarding the proposed architectural coating regulation; stating the letters were being generated by Dunn Edwards, a major paint dealer.

* * *

Director Wilson explained that several years ago burning was banned in the Santa Cruz mountains; that the area had not been able to obtain burning permits from the District; and that if this practice continued through the winter when it was wet, next summer during the dry season, there would be a number of fires and a lot worse smog as a result of the debris that had accumulated as a result of the October 17 earthquake. Director Wilson continued stating she was very concerned about the situation; that she had held discussions with a number of people who indicated they could not get a burn permit from the District for the Santa Clara side of the Santa Cruz mountains; and that she would request the Board to consider authorizing some of the debris to be burned in the mountains this winter after a rain, under safe conditions; since the debris could not all be hauled away.

Mr. Feldstein stated he had discussed the matter with Director Wilson's aide, having sent him a copy of the District's rules; and requested he review the matter of a fire safety hazard with the fire officials involved; that if the fire official declared it to be a fire hazard, it could be burned under appropriate conditions.

Director Wilson stated she felt it was important that the District work with counties when disasters occurred.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, January 3, 1990, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

The meeting adjourned at 10:35 a.m.

Respectfully submitted,

CAROL BRADLEY
CLERK OF THE BOARDS

CB;jc

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